

MACEDONIA COURT MODERNIZATION PROJECT

Contract No. 165-C-00-02-00114-00

COURT OPERATIONS AND MANAGEMENT IN THE BASIC COURTS

**ASSESSMENT, RECOMMENDATIONS AND ACTION PLAN
IN SELECTED COURTS**

1. INTRODUCTION

1.1 OBJECTIVE AND BACKGROUND

This report is the culmination of a contract concerning the information flow used for case processing by the basic courts in Macedonia. The report presents the identification of issues, findings, and recommendations of that information flow. This effort, and the report, is in support of the Macedonia Court Modernization Project (MCMP). The MCMP is being carried out by DPK Consulting, Inc. under Contract No. 165-C-00-02-00114-00 with the United States Agency for International Development (USAID).

The basic courts of Macedonia are the courts of original jurisdiction. The basic courts have jurisdiction over all types of cases filed in Macedonia. Most of the courts have a manual system to track cases from filing through disposition and archiving the cases. The case tracking systems used by the courts are labor intensive, involving hand writing event dates and summaries in many documents. Generally, these types of systems are inefficient, and can also be ineffective. It was determined by the USAID and DPK Consulting, Inc. that the case tracking system should be analyzed, and recommendations should be developed to eliminate any backlogs and ease the transition to a fully automated system.

This report presents the information required by the contract, namely:

- A Written Assessment of selected court clerical offices, intake and registration centers that provides a description of the courts' existing manual operations systems and their most significant pitfalls, including systems related to case filing and management, records and record keeping systems, systems for the generation of the official court record, court forms management programs and manual or automated document generation systems.
- A Court Operations and Management Action Plan that addresses measures that may be taken in selected courts which identifies short-term, medium, and long term actions to improve manual court efficiencies and how they will be supported by automation specifically addressing:
 - Case intake and registration and transmittal,
 - Court hearing records and management processes,
 - Court clerical office management and efficiency, and
 - A system and template for the Administrative Office (AO) oversight and internal court operational analysis, as well as for use by the basic courts, on a continuing and periodic basis. This includes the need for:
 - developing manuals for operations, financial planning and control, and human resource administration,
 - the successful transfer of responsibility for the classification and compensation of non-judicial staff to the Judiciary in Macedonia, and
 - the development of staffing guidelines.
- Written recommendations and suggested topics for future trainings and workshops to be conducted or overseen by the MCMP, Administrative Office, or the Judicial Training Institute on court, regional or national levels

The report is part of the deliverables of a contract in support of the MCMP.

1.2 METHODOLOGY

This project was conducted using the following steps: collecting data, preparing an interim report on each court, and analyzing the information from each court and developing the draft and final report.

1.2.1 Collection of Data

Data was collected by visiting four basic courts: Prilep, Skopje 2, Struga, and Veles. The first three courts were selected because they represented a range of the size of courts. Veles Basic Court was selected because it is the only court in Macedonia with an operational automated case tracking system that covers all case types.

In each court, the following steps were taken:

- Opening interviews were conducted with the President Judge or Deputy President Judge, and the Court Secretary. The purpose of the study was explained, and information was gathered concerning the organization and staffing of the court. If the Court Coordinators were available, they were included in this interview.
- Based upon information gathered from the judges and staff, on-site analysis was focused on civil and criminal case processing. While there are subtypes of criminal and civil cases, the processing of each subtype follows the same basic steps, using very similar registers and control documents.
- Each step in civil and criminal case information flow was tracked and notes taken by following the papers from the initial filing with the court to recording the final disposition and archiving of the case file. This was done with court staff, including the court secretaries, the heads of the intake offices, the court coordinator, the section chiefs, and the clerks of the intake office. Note: not all of these individuals were available in all courts.

1.2.2 Preparation of Interim Report on Each Court

Immediately after each visit, an interim report on each court was prepared, including a description of the organization and staffing, information flow in case tracking, and initial findings and potential recommendations. The information contained in the interim report was reviewed with court personnel and DPK in-country staff.

1.2.3 Analysis of Information from Each Court, and Development of Draft and Final Report

General principles of effective and efficient case tracking were applied to the information collected during the visits to the courts. The analysis made extensive use of data flow diagramming principles, which identify:

- People or organizations that provide data,
- Processes that manipulate the data,
- Storage of the data, and
- Uses of the data.

The resultant draft of this report was reviewed with DPK staff, revisions were made, and the final report prepared and submitted.

1.3 ORGANIZATION OF REPORT

The Report is organized in the following sections:

- Description and Assessment of Current Operations
- Recommendations
- Court Operations and Management Action Plan
- Recommendations for Future Training and Workshops
- Appendices

2. DESCRIPTION AND ASSESSMENT OF CURRENT OPERATIONS

2.1 ORGANIZATION OF THE COURTS FOR CASE TRACKING

This study visited and studied the organization and operation of four basic courts: Prilep, Skopje 2, Struga, and Veles. Each court had its own specific organizational structure. However, all four courts followed a basic pattern of organization. For the purposes of case tracking, the relevant positions and organizations are as follows:

- The President Judge - the chief judicial officer of the court.
- Trial Judges and supporting staff, including judicial assistants providing legal research and drafting of legal documents.
- The Court Secretary is the chief non-judicial staff person of the court, and reports to the President Judge. The Court Secretary's responsibilities include supervision of the Intake Office and court administration.
- The Intake Office, supervised by an Associate who is the Head of the Intake Office. The Intake Office processes all incoming and outgoing documents and registers court cases, providing case tracking and statistical services to the judge and to the public. Depending upon the size and workload of a court, the Intake Office can be divided into multiple departments, such as general registry, criminal and civil. The larger courts have more departments, and the smaller courts have fewer departments. Departments may be further divided into sections. For example, a Civil Department may be divided into civil, small claims, and commercial cases.

The Head of the Intake Office is also responsible for the supervision of the typists, who work with judges by taking minutes of court proceedings, preparing procedural documents, and performing case tracking functions. The Head of the Intake Office is also responsible for the Service Department, which performs service of documents from the court to individuals and organizations.

2.2 CASE TRACKING IN THE COURTS

Cases are processed and tracked in the same general manner in each of the four courts that were visited. Staff familiar with the courts in Macedonia stated that the other courts use the same steps and document types throughout the country. Differences are usually as a result of the size of the court and the number of departments within the Intake Office. There is a significant difference in Veles, which has a partially automated case tracking system. The difference will be discussed later.

An effective case tracking system is a critical component of effective and efficient court administration. A case tracking system must be able to perform the following functions:

- Record the initial filing of a case with a court in a case register,
- Record and/or hold all actions, and initial and subsequent documents in a case folder,
- Locate the case folder,
- Provide a cross reference to the case (e.g., by defendant to case number), and
- Provide statistical data on the filing, processing and disposition of cases.

If a case tracking system has these functions, cases can be brought before judges at the appropriate time, with completed documents necessary to proceed with the case, or inform judges when one or more parties to the case have not carried out their legal responsibilities. The system will also provide judges and staff with statistical information describing the timeliness of dispositions, dispositions compared to filings, and the age of pending cases.

Generally, the processes observed in the four courts that were visited performed the functions of a case tracking system.

2.2.1 Recording Initial Filings

All courts have a general registry office that receives all incoming documents from people or by mail. The general registry staff place one or more stamps on the documents acknowledging receipt of the documents. The stamps for initial and subsequent case documents include the date and time, the number of copies, the number of pages, and whether the court fee was paid. In Skopje 2, the staff also records the receipt of the documents in one of twenty separate general registry books, depending upon the type of case, or the type of general correspondence. After the general registration process, the documents are delivered to the appropriate department or office. In Skopje 2, the receiving department or office acknowledges receipt of the document by placing a check mark beside each entry in the general registry book.

2.2.2 Assigning New Cases to Judges

In Struga and Veles, the Court Secretary assigns cases to judges based upon a standing directive of the President Judge. In Prilep, the Court Secretary assigns cases to judges based on the date and time of the initial case filing. In Skopje 2, the department head assigns cases to judges based on a standing directive of the President Judge by referring to a book in which the last judge to receive a particular case type is noted.

2.2.3 Recording Initial and Subsequent Case Filings in the Departments

After case documents are received and new cases are assigned to judges, the case papers are sent to the departments where departmental staff make entries into registers and create case folders. There are many registers used in the various departments in the four courts, and the information includes the status of cases, and interim and final decisions. The Book of Rules, promulgated by the Ministry of Justice, lists 88 official registries. In addition, departmental staff have developed different notebooks in each court, usually for the purposes of recording the transfer of documents or case folders between the department and the judges' chambers, sending case folders out of the courts (to appellate courts or for expert review), and tracking case information for statistical purposes.

There is a constant flow of information among the departments, the judges' chambers, and outside agencies during the life of a case. Information is hand written into a number of registers, case folders, and notebooks. By necessity, much of the information is duplicated in each of the documents. The closing of a case is recorded on the case folder, individual judge disposition books, departmental disposition books, registries, and court wide statistical reports.

As noted above, recording initial and subsequent case filings in Veles is substantially different. Veles has an automated case tracking system. It is written in DB2, and runs on an IBM AS-400 minicomputer. It is accessed by terminals located throughout the Intake Office and in the typists' offices. All information that otherwise would be recorded in manual registers and notebooks is entered into the automated system by the departmental staff and by the typists supporting the judges. Case folders are prepared and used by judges' staff to hold all relevant case papers. The court still maintains two manual registers: one for recording the enforcement of sanctions, and another for the actions of the Criminal Council (which acts on emergency applications, such as the continuation of detention of a person accused of a crime).

2.2.4 Retrieving Information

The three non-automated courts rely on registers to determine the status of a case, and disposition books and case folders to gather information to prepare monthly, quarterly and annual statistics. Staff in each court stated that they referred to the department register to determine if there was a future scheduled appearance date. For all other types of requests for information, they retrieve the case folder.

Locating the case folder involves two steps. First, if the register contains a future scheduled appearance date, the case folder should be in the department, filed by judge and appearance date. If there is no future appearance date, it is assumed that the case folder is in the judge's chambers, and the file must be retrieved from the chambers.

Gathering information for preparing the statistical reports is started by reviewing the Official Judge Disposition Book, and confirming the information in the case folder. The information is then handwritten in the Departmental Book, and forwarded to the Head of the Intake office, who prepares the official reports by entering information onto either a manual form or an Excel spreadsheet. There is no consistency in the format of the reports among courts.

Veles is the exception. The status of cases can be determined by querying the automated case tracking system. Statistics are also gathered by querying the system. However, the system cannot produce printed reports, and the staff does not have access to, or training in the use of a report generator.

2.2.5 Collecting Court Taxes (Filing Fees)

Throughout the court process, a prevalent problem is the collection of court taxes in civil cases. Many civil cases are filed without the plaintiff paying the fee. In some instances, the problem is that the value of the claim has not been established, which provides the basis for determining the amount of the tax. However, in many other instances, the plaintiff either does not have the funds to pay the fee, or feels that the fee is unjust.

The situation is further complicated by contrary provisions of law. The Law on Civil Procedure (146(2)) states that a civil case will not proceed without a fee. However, the Law on Court Fees provides that an unpaid fee will not stop the flow of proceedings.

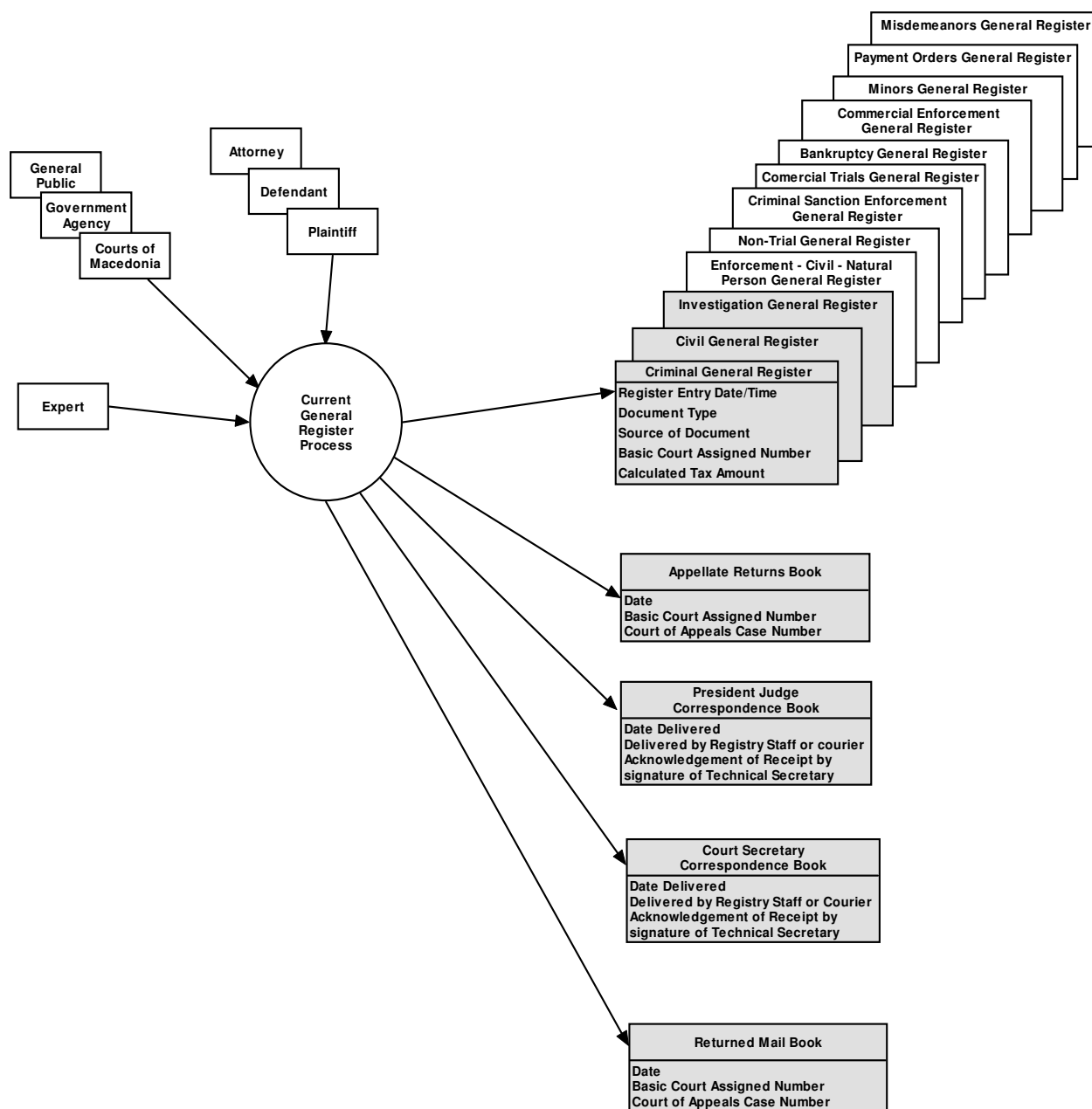
2.2.6 Data Flow Diagram of Current Flow of Information and Use of Documents

The flow of information in the three courts using manual registers and notebooks is shown in the following data flow diagrams. The diagrams are based on the specific operations in Skopje 2. However, except for Skopje 2 using registers in the general registry process, the diagrams are fair representations of the type of information, flow, and documents that are used in the courts.

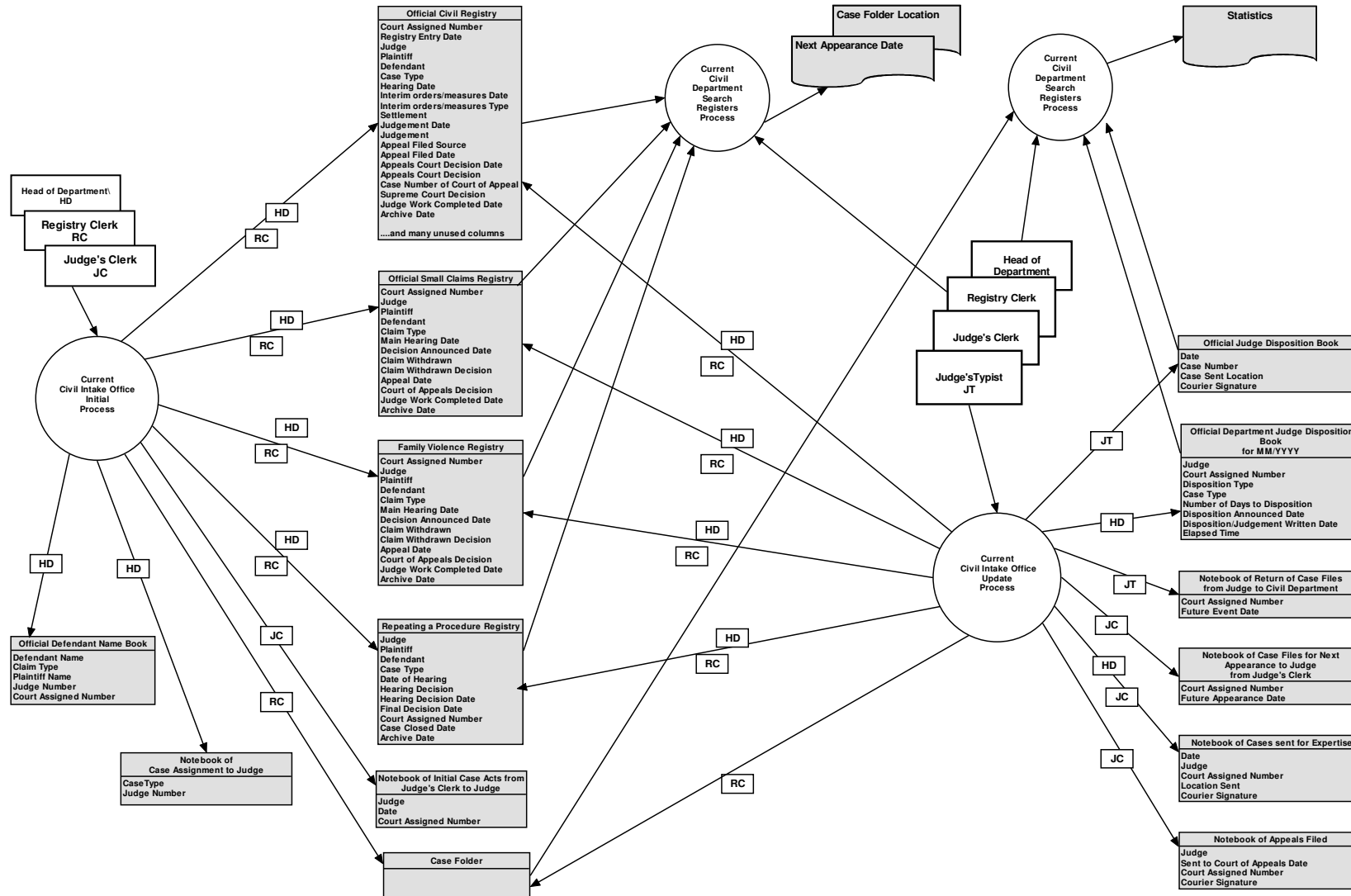
The diagrams use lines with arrows to show the direction of the flow of information, rectangles to identify persons or organizations providing information, circles to identify general processes, multipart rectangles to show the storage of information and the data elements stored in them, and screen and report symbols to show information outputs.

DATA FLOW DIAGRAM OF CURRENT FLOW OF INFORMATION – SKOPJE 2

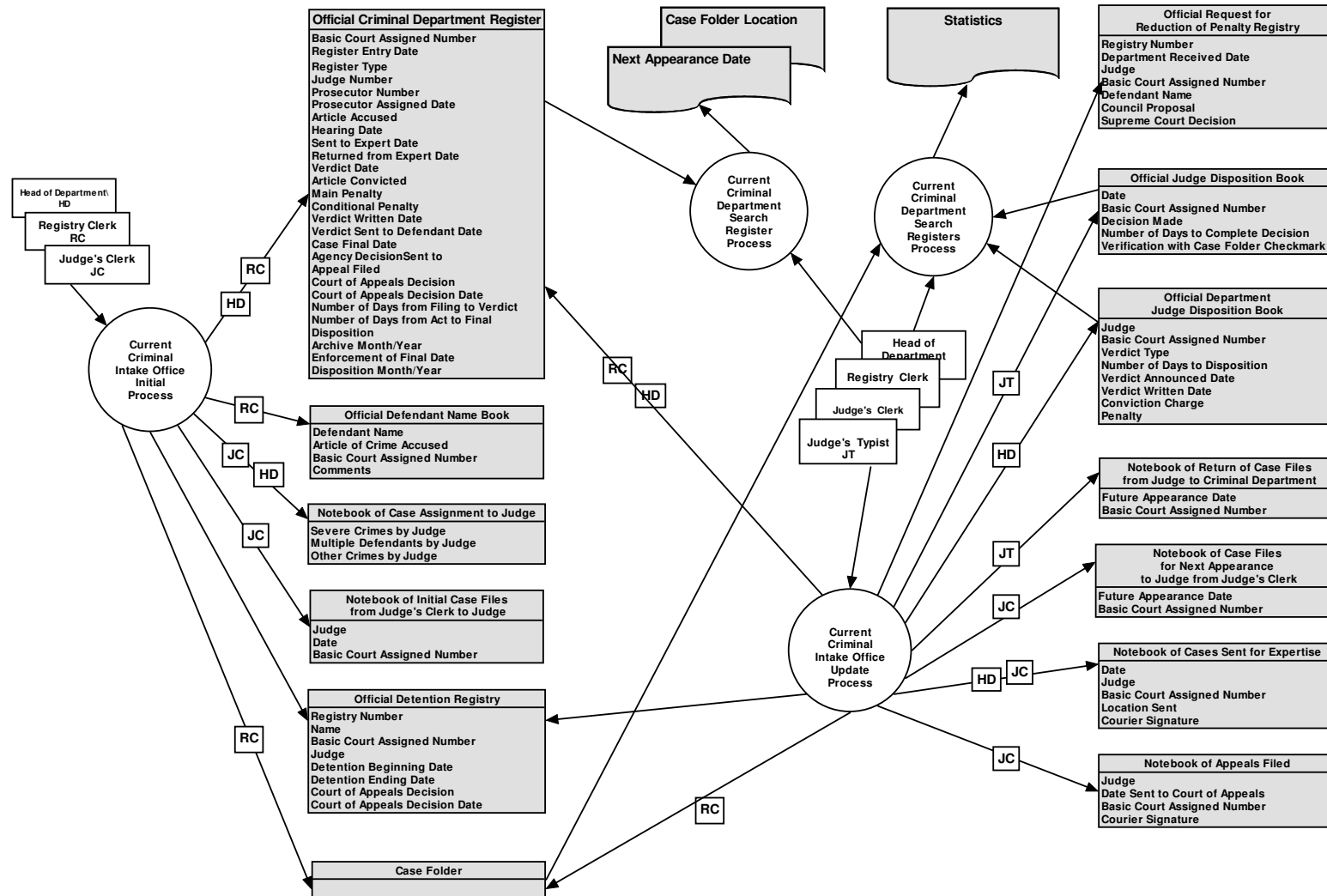
Skopje 2 - Current General Register Processes



Skopje 2 - Current
Civil Department Register Processes



Skopje 2 - Current Criminal Department Register Processes



2.2.4 Providing Service

In Macedonia, providing service of process is the responsibility of the courts. All courts have a courier department, with permanent staff. All outgoing case related court documents are given to the courier department. The courier department has a geographic area of responsibility. If an addressee of a court document lives outside the geographic area of responsibility, the courier department sends the document by ordinary mail.

Judges, typists, court assistants, and/or judge's clerks prepare summons or transmittal documents, which can have complaints, verdicts, decisions, judgments, etc. for delivery. The courier department gathers all such documents from the chambers or intake office departments, and signs document control notebooks indicating the transfer of custody.

Each courier has a book that tracks the status of each document that she or he has collected for delivery. The book contains the following data:

- Date
- Type of case
- Case number
- Scheduled date
- Type of document
- Date the confirmation of delivery document is returned to the Court
- Comments

If the service is successful, the courier returns the part of the summons with the signature of the individual receiving the document. If the individual was not present, but a family member was available and accepted the document, the courier completes a document for the family member to give to the individual requiring them to be present at court three business days in the future to receive the document or direction, or to be at home on a specified day and time for service. If no one is there, a notice is left with the same instructions. The attempt at service is repeated by the courier.

If service is by mail, the courier enters the information in a post office register in duplicate, detailing each item of mail. The post office stamps the page as received, and the amount of postage to be paid by the court is noted. The courier returns one copy to the department, and the post office retains a copy.

Service was noted as an ongoing problem in all four courts. Many rural locations do not have street numbers, and individuals are wary of government officials. In addition, it was noted that the postal service does not have the best record of delivery of mail.

2.2.5 Status of Automation

All four courts have a local area network, with a server and multiple personal computers attached to it. Typically, the personal computers are located in the courtrooms, in judges' chambers, in offices used by typists supporting the judges, and in the offices of some senior managers. The most common use is by the typists who enter court minutes in the courtroom, and draft decisions and orders affecting the processing of a case for signature by the judge.

Some courts are not using the networking capabilities, and use the personal computers as stand alone computers. Other courts have, on their own, developed shared folders on the network for use by the typists, sharing statistical information and minutes of internal meetings.

2.3 ASSESSMENT OF CURRENT OPERATIONS

2.3.1 Case Tracking and Statistical Reporting

All of the courts visited were well organized, with clear statements and understanding of responsibilities. All staff interviewed knew the requirement of their positions, and carried them out in

a professional manner. They exhibited pride in their responsibilities, and were very forthcoming in describing their work.

All of the functions of case tracking are being performed. Furthermore, there were no specific bottlenecks of the processing of cases at any particular point, as evidenced by the lack of tell-tale stacks of case files on one or more desks.

Notwithstanding this observation, the processes and documents used are unnecessarily duplicative and labor intensive. The same data is repeated constantly in a large number of registers and notebooks. This leads to the possibility of transcription errors, without necessarily improving the ability to perform case tracking and statistical reporting. This observation is clearly supported by the finding that the two most commonly used sources of information are the case registry to determine the next scheduled date, if any, and the case folder. All of the other registries, notebooks and lists have multiple entries made in them, but are very seldom, if ever, used. In addition, perhaps as much as one-half of the 50 columns of the case registries have no entries made in them. Finally, in spite of the enumeration of 88 official registries in the Book of Rules, no court is using all of them. Furthermore, each court has developed its own registries, or uses the registries differently.

It was also noted that while great attention and concern is paid to gathering judge and court case processing statistics, the data elements and the formats are not the same among the courts. In addition, it is our understanding that the data elements change from year to year, particularly those regarding the elapsed time between events. This, of course, makes nation-wide analysis very difficult, if not impossible. Statistics should be available for determining the appropriate number of judges and staff, the overall state of the judiciary, and for reporting the work of the courts to the public. Without standardized data and formats, the most important and relevant uses of statistics are not available.

2.3.2 Calculations of Age of Pending Cases

One of the most important measures of court performance is the age of pending cases. This is usually defined by starting the measurement from the date that a case is filed with the court. However, there are two systemic problems that place an undue burden on the courts: the conflict over payment of court taxes, and the difficulty in service of process in civil cases, particularly service of the complaint to the defendant.

With regard to the fees, most judges and most courts will proceed with a case without payment, while other courts notify the plaintiff that a case will not be scheduled until a fee is paid. Even in the courts that proceed, a final decision or judgment will not be issued if the appropriate tax has not been paid.

2.3.3 Utilization of Automation Assets

While all courts were using the microcomputers that are available, there are wide differences in the extent of utilization. Each court has a local area network. Some courts have taken advantage of this asset, establishing shared folders for use by judges, judges' assistants and staff, while others use the microcomputers in a stand alone mode. This is an asset that can be more thoroughly and uniformly used throughout the courts.

2.3.4 The Book of Rules

The current Book of Rules, promulgated by the Ministry of Justice, is very comprehensive. It details the data elements that courts must record in case tracking and case management. It also mandates that this information be kept in 88 registers.

The comprehensive nature of the listing of the data elements provides guidance to the courts. However, mandating the form in which the data must be kept has two distinct disadvantages.

First, based on direct observation, the mandates are largely ignored. While some registers are used, the form of the registers among courts is not standard. Many of the data elements in the registers are

not filled in. Court personnel have developed their own unofficial notebooks for a variety of purposes, some of which are envisioned in the Book of Rules.

Second, by mandating the form in which the data elements should be kept, the Book of Rules prevents the smooth transition of record keeping from one system to another. Court personnel are frequently the best source of suggestions for modifying the form in which information is kept. Also, a fully automated case management system will significantly alter the form in which the data elements are maintained. The Book of Rules needs to be modified so that the required data elements are established, but that a more expeditious method of defining the format is established.

2.3.5 Fully Automated Case Management System

The scope of this report does not include addressing this topic. However, this is to simply confirm that the observations and analysis of current case tracking operations completely support the comprehensive and rapid development of a fully automated case management system.

3. RECOMMENDATIONS

3.1. ADOPT AND IMPLEMENT AN INTERIM MANUAL CASE TRACKING SYSTEM

3.1.1 Case Tracking System Functions

As stated earlier in this report, an effective case tracking system is a critical component of effective and efficient court administration. A case tracking system must be able to perform the following functions:

- Record the initial filing of a case with a court in a case register,
- Record and/or hold all actions, and initial and subsequent documents in a case folder,
- Locate the case folder,
- Provide a cross reference to the case (e.g., by defendant to case number), and
- Provide statistical data on the filing, processing and disposition of cases.

If a case tracking system has these functions, cases can be brought before judges at the appropriate time, with completed documents necessary to proceed with the case, or inform judges when one or more parties to the case have not carried out their legal responsibilities. The system will also provide judges and staff with statistical information describing the timeliness of dispositions, dispositions compared to filings, and the age of pending cases.

The manual case tracking system in use by the basic courts in Macedonia can be modified to:

- Simplify operations and reduce duplicate entries of information,
- Maintain the functions of a case tracking system,
- Support a standardized statistical system, and
- Adopt a system that allows an easier transfer of data from a manual case tracking system to an automated case management system.

3.1.2 Components of the Interim Manual Case Tracking System

The components of the recommended interim manual case tracking system include the following:

- The current general register for incoming documents,
- A three part card that provides:
 - A simplified case register,
 - A case tracking card that records the scheduled events in a case,
 - A defendant name cross index card, and
- A redesigned case folder.

Current General Register in the General Registry Department

The current processes and registers in the General Registry Department (registers are used in Skopje 2 only) would be retained. It is most important that all documents that start a case (e.g., civil complaint, criminal indictment) have the date and time written on the first page of the document. The general register offices are using stamps that have spaces in which the staff writes this information. The date and time is required for assignment of cases effective 1 January 2007.

No changes would be made to the current method of receiving other correspondence.

Three Part Card in the Case Type Departments

A model of the three part card is shown below. The three parts of the card are lightly glued at the top, permitting easy separation. Holes are punched through all three parts at the top to allow them to be placed in post binders.

The card is printed on NCR paper, or with carbon paper between the parts. The top part of the card is heavy card stock, in an A4 paper size. The second and third parts are lighter paper weight, and are the

same width as the first part, but only as long as is necessary to include from the top of the card down through the Judge and Date Assigned fields.

When a new case is filed with the court, and the initial document (such as a civil complaint) is sent to a department, departmental staff will complete a new card. As the top card is first filled out, the information on the first part of the card is transferred to the second and third parts. All three parts are then separated from each other, to be stored and used as described below.

Benefits of Using the Card

There are several benefits of using the card in conjunction with the redesigned case folder. They include:

- Prepare the courts for migration to an automated system by standardizing the format of entering and maintaining case tracking and statistical data among all the courts in Macedonia.
- Simplify the process of locating information about the status of a case, and locating the case folder.
- Eliminate a large number of registers and notebooks, reducing the amount of time required to make entries.
- Reduce the opportunity for transcription errors when copying information from one register or notebook to another. Copy 2 and Copy 3 are attached behind Copy 1, aligned at the top. When Copy 1 is initially filled out, the information is transferred to Copy 2 and Copy 3.
- Simplify the process of gathering information for the preparation of statistical reports.
- Provide each court the flexibility of organizing the index materials in a manner which fits the structure and staffing of its court which will allow the staff to gain access to the cards in a quick and productive manner.

First Part – Case Tracking Card

The first part is the case tracking card, and is placed in a post binder. The case tracking card has an array of places to enter all actions that affect the flow or status of a case. The array continues on the back of card for entering additional actions. Department staff persons maintain this card, making entries when they take actions, or when the case folder is returned to the department from the judges, the typists or the judges' assistants.

The case tracking cards can be placed in binders in a wide variety of methods. The appropriate method depends upon the number of judges, the number of case types, and the number of staff in the Intake Office that need access to the cards. The first method is usually to separate pending cases from disposed cases by placing them in separate binders. The second method is to further separate the pending cases into separate binders for each judge. The third method is to separate pending cases for each judge into case types, such as civil, small claims, and commercial cases. If necessary, further separation is possible into "Book 1", "Book 2", etc.

When the case is completed and the case folder is sent to the archives, the department staff can move the case tracking card from the judge's pending post binder to either a post binder organized by judge and case number, by judge, case type and court number, or to a general court post binder merging all of the judges' cases, by case number.

Second Part – Register Card

The second part is the case register card, and is placed in a post binder in court case number order. Separate binders may be established by case type (e.g., civil, small claims). The outside of the binder should be labeled appropriately with the year and case type. If necessary, more than one binder can be used for one year, in which case the range of case numbers should be included on the label.

Third Part – Defendant Cross Index Card

The third part is the defendant cross-index card, and is placed in a file box, alphabetically by the defendant's last name. Depending upon the number of cases, these cards can also be separated into boxes for pending and inactive cases, or by case type, or both.

Note on Repeating a Procedure

Two different methods of registering repeating a procedure (extraordinary legal remedies) were observed during the on-site visits. These filings occur after a case has been closed, the time for an appeal has lapsed, and one of the parties is asserting that new facts have been uncovered.

The first method of registering these types of cases is to record it as a new case, indicating that the case type is a repeating procedure. The case number of the old case is written on the new registry entry, and the case number of the new registry entry is written on the old case registry entry.

The second method of registering these types of cases is to record it as another action in the original case registry.

Either method can be accommodated when using the cards. In the first method, a new card would be completed, and the new case number would be entered onto the cards and the case folder of the original case. In the second method, the filing of a repeat procedure would be entered as another action on the cards and the case folder of the original case.

THREE PART CARD
Copy 1 - Case Tracking Card (Front of Card)

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| Plaintiff Name | Defendant Name | Case Number |
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|------------------------|------------------|--------------------|
| Date/Time Filed | Case Type | Date Closed |
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| Merged with Case Number | |
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Copy 1 – Case Tracking Card (Back of Card)

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Copy 2 – Case Register Card

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| Date/Time Filed | Case Type | Date Closed |
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| Merged with Case Number | |
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| Judge | Date Assigned |
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Copy 3 – Defendant Cross Index Card

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| Plaintiff Name | Defendant Name | Case Number |
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| Date/Time Filed | Case Type | Date Closed |
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| Judge | Date Assigned |
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Redesigned Case Folder

The information on a redesigned case folder would have all of the information currently on the case folder. It has the same information contained on the case tracking card. It also would have expanded the array currently used to record the date and time of scheduled hearings to include places to enter all actions that affect the flow or status of a case. In addition, it would have places to record the dates of announcing verdicts or decisions, writing verdicts, decisions, and/or judgments, and the amount of time between events, as required for statistical reports. Finally, it would have a place for each action for an individual receiving the file to write their initials, confirming that the file was received.

The case folder would also be redesigned to have a tab placed on the right side of the long opening. The case number, and the merged case number (or, if a repeating procedure is requested, the new case number), would be written on the tab. This will facilitate retrieval of an individual case from any file or stack of cases, particularly in the archives.

The case folder would be redesigned. On the first page, the array of places for recording the date and time of hearings would be removed. The section on archiving would be moved up to the center of the page, and all of the material identifying the case would be compressed as much as possible. The new array would be printed on the remaining space on the first page, and continued on the back outside cover of the case folder. Places for entering case closing, elapsed time between events, and other statistical information would also be located on the back page, below the array. The inside front cover containing the information about documents would remain unchanged. A recommended layout is shown on below.

RECOMMENDED MODIFICATION TO CASE FOLDER

(The top half of the case folder is reserved for the current items of information. The array shown below would be printed on the bottom half of the outside front page, and continue on the outside back page.)

| DATE | TIME | PURPOSE OR DESCRIPTION | INIT'S |
|------|------|------------------------|--------|
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3.1.3 Using the Case Register Card

The case register card is the fundamental control document of a court. An entry into the register affirms that a case has been received by the court, and contains information that is sufficient to identify the case. A case register that contains the following information will adequately control the initial filing of a case with a court:

- Basic court case number
- Date and time filed in the court
- Case type
- Plaintiff name
- Defendant name
- Judge name or number to whom the case is assigned and the date of assignment, providing space for recording reassignments to different judges.
- Date Closed
- Merged with case number

After the initial entry of information on the three part card, the case register card would be placed in a post binder in case number order, with the oldest case on the bottom. The case register card can be stored in the binders using any of the options discussed above.

There are only three actions that require that the case register card have subsequent entries: the reassignment of a case to a different judge, the merging of the case with another case, and the final disposition of a case.

3.1.4 Using the Defendant Name Cross Index Card

The defendant name cross index card provides the means to identify a case if only the defendant's name is known. It contains the same information as the case register card. After the initial entry of information on the three part card, the defendant name cross index card is filed in alphabetical order in an open file box.

There are only three actions that require that the defendant name cross index card have subsequent entries: the reassignment of a case to a different judge, the merging of the case with another case, and the final disposition of a case.

3.1.5 Using the Case Tracking Card and Redesigned Case Folder

The case tracking card and the redesigned case folder are used together in tracking the status and progress of a case. The case folder moves between the judges' chambers and the appropriate department, while the case tracking card remains in the department for reference by the departmental staff. The case folder is used for other purposes, of course. It holds all case papers together for reference by the judge and staff, and staff use the inside of the folder to note the receipt of all case papers.

Every action affecting the processing of a case should be recorded in both the case folder and the case tracking card. An action includes all movements of the case folder, all outgoing documents (such as directives to the courier department to serve complaints to the civil case defendants, directives for examination by experts, or scheduling orders), and all events (such as scheduled hearings, the announcement of verdicts, or the completion of written judgments).

A recording of an action should be made by the judge or staff person who first knows of the action. Judges or judges' staff persons would make entries on the case folder (such as the next scheduled date). Departmental staff persons would make entries that they initiate (such as sending the file to the judge at initial filing) on both the case tracking card and the case folder. Each entry should ultimately appear on both the case tracking card and the case folder. The only exception is the information on the amount of time between certain events (such as filings to disposition, or announcement of decision to

written judgment). This information is contained only on the case folder and is made by either the judge's staff person or by a departmental staff person.

With regard to the information on the amount of time between certain events, as noted in the Assessment Section (2.3, above), the statistical information required of the courts is subject to change. Ideally, the statistical information should be standardized before printing the file folders. However, if that is not possible, then blank sets of spaces should be printed at the bottom of the outside back cover to allow staff to enter the type of measurement, and the value, as shown below.

| | |
|--|--|
| | |
|--|--|

In the example below, staff could enter “# of days from filing to verdict” in the first space, and “93” in the second space.

| | |
|----------------------------------|----|
| # of days from filing to verdict | 93 |
|----------------------------------|----|

An important component of using this system is that every time an action is entered on the case folder by a judge or judge's staff, the case folder must be returned to the appropriate department. Department staff persons will note the action on the case tracking card, and place the case folder in a compartment by judge and by type of status (waiting for service of process, waiting for report from an expert, next scheduled appearance date). This serves several purposes. First, a department staff person can enter the action on the case tracking card, establishing consistent control over the status of the case. Second, the department can track the progress of every case on behalf of the judges, and notify them of impending deadlines. Third, it assures that case folders can be found and accessed without delay.

Shown below are examples of entering information on the case tracking card and the redesigned case folder. The current process of entering information about every document onto the chart on the inside front cover of the case folder would continue to be carried out.

ACTION: After a civil case has been registered using the three part card, the case papers are placed in a case folder and the case folder is sent to the assigned judge for initial review.

The departmental staff person would make the following entries on both the case tracking card and on the case folder. For this type of action, the time is optional.

Entry on case tracking card.

| DATE | TIME | PURPOSE OR DESCRIPTION |
|---------|------|--|
| 5/17/06 | | Delivered to Judge Shaini for initial review |

Entry on case folder.

| DATE | TIME | PURPOSE OR DESCRIPTION | INIT'S |
|---------|------|--|--------|
| 5/17/06 | | Delivered to Judge Shaini for initial review | JC |

The departmental staff would deliver the case folder to the judge. The person in the judge's chambers would initial the case folder acknowledging receipt.

ACTION: After the judge reviews the case, he orders that the defendant be served with a copy of the complaint.

The judge or judge's staff (probably the typist assigned to the judge) makes the following entry on the case folder. The judge's staff delivers the case folder to the department.

Entry on case folder.

| DATE | TIME | PURPOSE OR DESCRIPTION | INIT'S |
|---------|------|--|--------|
| 5/17/06 | | Delivered to Judge Shaini for initial review | JC |
| 5/18/06 | | Service of complaint to defendant ordered | RC |

The departmental staff person initials the case folder acknowledging receipt, and makes the following entry on the tracking card.

Entry on case tracking card.

| DATE | TIME | PURPOSE OR DESCRIPTION |
|---------|------|--|
| 5/17/06 | | Delivered to Judge Shaini for initial review |
| 5/18/06 | | Service of complaint to defendant ordered |

The departmental staff person then files the case folder by judge, and by pending status, in this instance, "Waiting for Proof of Service".

ACTION: The proof of service of the complaint to the defendant is received by the department.

The departmental staff person retrieves the case folder, places the proof of service in the folder, and makes the following entries on the case folder and case tracking card.

Entry on case folder.

| DATE | TIME | PURPOSE OR DESCRIPTION | INIT'S |
|---------|------|---|--------|
| 5/17/06 | | Delivered to Judge Shaini for initial review | JC |
| 5/18/06 | | Service of complaint to defendant ordered | RC |
| 5/27/06 | | Proof of service received, delivered to judge | JC |

Entry on case tracking card.

| DATE | TIME | PURPOSE OR DESCRIPTION |
|---------|------|---|
| 5/17/06 | | Delivered to Judge Shaini for initial review |
| 5/18/06 | | Service of complaint to defendant ordered |
| 5/27/06 | | Proof of service received, delivered to judge |

The departmental staff person delivers the case folder to the judge's chambers, where a judge's staff initials the case folder acknowledging receipt.

ACTION: The judge schedules a preliminary hearing for 6 June 2006.

The judge's typist would make the following entry on the case folder and deliver the case folder to the department.

Entry on case folder.

| DATE | TIME | PURPOSE OR DESCRIPTION | INIT'S |
|---------|-------|---|--------|
| 5/17/06 | | Delivered to Judge Shaini for initial review | JC |
| 5/18/06 | | Service of complaint to defendant ordered | RC |
| 5/27/06 | | Proof of service received, delivered to judge | JC |
| 6/6/06 | 09:30 | Preliminary hearing | RC |

The departmental staff person initials the case folder acknowledging receipt, and makes the following entry on the case tracking card.

Entry on case tracking card.

| DATE | TIME | PURPOSE OR DESCRIPTION |
|---------|-------|---|
| 5/17/06 | | Delivered to Judge Shaini for initial review |
| 5/18/06 | | Service of complaint to defendant ordered |
| 5/27/06 | | Proof of service received, delivered to judge |
| 6/6/06 | 09:30 | Preliminary hearing |

The departmental staff person then files the case folder by judge, and by appearance date.

In summary:

- Every action is recorded on both the case tracking card and the case folder,
- The case folder is with the judge when the judge or judge's staff is actively working with the information in the folder, and
- The case folder is with the department when the court is waiting for either an action by an outside party, or the next appearance date.
- Alternatively, if it is determined that case folders should remain with the judges after certain activities, the typist should enter the activity information on the case folder, AND prepare an activity notice which is sent to the department. The activity notice should contain the name of the judge, the case number, and the date, time and purpose of the activity. The department staff would then enter the information on the case tracking card.

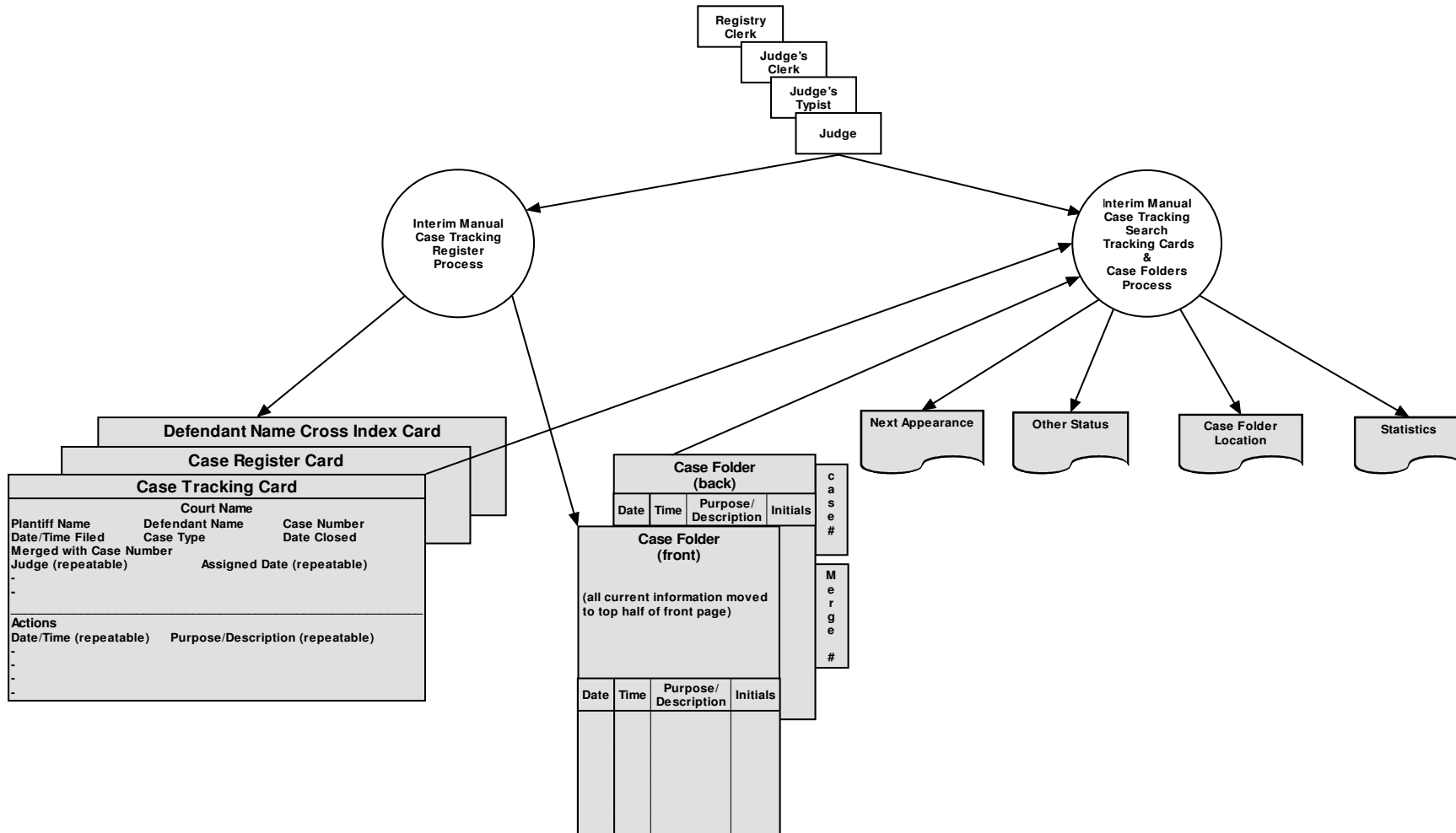
3.1.4 Data Flow Diagram of Interim Manual Case Tracking System

The flow of information using the recommended system is much simplified and improved. The data flow diagram is shown below. Compare this diagram with the earlier diagram depicting the current flow.

DATA FLOW DIAGRAM OF INTERIM MANUAL CASE TRACKING SYSTEM

Recommended Interim Manual Case Tracking Processes

NOTE: The Current General Register Process continues to be used, however, the Civil and Criminal Department processes are replaced by this interim manual process.



3.2 STANDARDIZE DATA ELEMENTS AND THE FORMAT FOR STATISTICAL REPORTING

As discussed earlier, a well designed standardized statistical report can be of great use to the courts in Macedonia for self-assessment, budgeting, and public relations. It is essential that the Judiciary, in consultation with the Ministry of Justice, develop and implement a consistent set of data elements to be collected and reported by all of the basic courts in Macedonia. The data should be reported in a spread sheet on a template mandated by the Administrative Office of the Court Budget Council, the Supreme Court and/or the Ministry of Justice as may be appropriate in accordance with the anticipated amendments to the Court Book of Rules and any other applicable laws or rules.

The reports should be submitted on a monthly basis, with quarterly and annual summaries. Courts should be encouraged to submit a narrative discussing trends or significant changes shown on the spread sheet.

3.3 IMPLEMENT THE CIVIL CASE MANAGEMENT ORDER AND THE CIVIL CASE INFORMATION STATEMENT IN ALL COURTS

The MCMP has developed and implemented a Civil Case Management Order (Appendix 5) and a Civil Case Information Statement (Appendix 6) in pilot courts. The documents standardize basic and critical information about civil cases. It will assist judges, staff and parties to the cases in submitting, tracking and disposing of cases in a timely manner. These two documents should be implemented in all basic courts in Macedonia.

3.4 AMEND THE BOOK OF RULES TO STATE THE ITEMS OF INFORMATION TO BE CAPTURED WITHOUT MANDATING THE FORMAT OR METHOD OF STORAGE

The Book of Rules will be revised in the near future to reflect the recent changes in the Law on the Judiciary. While the Book of Rules could continue to establish the required data elements to be collected, developed and stored, it should, to the extent possible, provide flexibility in the manner and mode of how the data is to be captured and stored. This will allow for maximizing the utilization of improvements in technology.

The need for uniformity in the collection and storage of data in court processing is recognized. Therefore, one approach to achieving uniformity while providing flexibility would be to provide that the format and structure of data collection and storage will be in accordance with memorandums of understanding that can be jointly developed by the Administrative Office of the Court Budget Council, the Supreme Court and/or the Ministry of Justice as may be appropriate in accordance with the anticipated amendments to the Court Book of Rules and any other applicable laws or rules, without requiring an amendment to the Book of Rules.

3.5 EXPAND THE USE OF THE AUTOMATION ASSETS CURRENTLY AVAILABLE TO THE COURTS

All basic courts in Macedonia have a local area network, and a number of microcomputers and printers connected to it. A concerted effort should be made to explore, develop and implement uses of this asset throughout the basic courts. Based on observations during the site visits, possible uses include the establishment of shared folders for use by judges, judges' assistants and typists in preparing notices, orders, judgments, and decisions, and statistical data collection and report generation.

3.6 DEVELOP AND IMPLEMENT AN OPERATIONAL ANALYSIS CAPABILITY IN THE COURTS AND THE ADMINISTRATIVE OFFICE OF THE COURT BUDGET COUNCIL

Court administrators at all levels face one of the most complex environments in public administration today. Executive and legislative officials, and the public, demand efficient and effective operations, and increase the responsibilities of the judicial branch, but do not provide sufficient resources to meet current and emerging demands. The public, and participants in court proceedings, frequently do not understand the purpose and processes of the judiciary. The courts have little or no control over the

number of cases entering the system, or the adequacy and competency of key players in the courts, such as attorneys, probation offices, and forensic services, to name but a few.

To effectively and efficiently manage the courts, court administrators must be fully knowledgeable in a number of administrative areas, including

- Case processing,
- Caseflow administration and backlog reduction,
- Human resource administration,
- Budgeting and financial control,
- Facilities management, and
- Court security.

Each of these areas addresses an important component of court administration. Each requires that court administrators devote a significant amount of time to learning and applying its principles and procedures. Typically, however, a trial court administrator is under a significant amount of pressure from the daily demands of managing the court. Precious little time is left to integrate each development into a total package that will provide overall guidance in administering the court. Similar demands face court administrators in national court systems.

Discussed below is a process that assists administrative offices and court administrators in insuring that courts are following the legal requirements and best management practices in processing cases, and managing the budgets, finances, and human resources in the courts. The process distills the essential aspects of each the components into a format that can be used by court administrators to gauge the state of court administration in her or his court or area of responsibility.

3.6.1 Strengthen the Responsibility and Authority of the Administrative Office of the Courts

It is essential that the Judiciary in Macedonia have a fully functional administrative office with the authority to govern and manage the operational, human resource, and budgeting and financial affairs of the Judiciary. While this specific topic is not included in the scope of this report, the topic needs to be acknowledged as a precursor to the effective implementation of the report's recommendations. It is understood that this topic is under discussion and development. This report strongly endorses those efforts.

3.6.2 Develop Specific Standard Procedures for Each Administrative Area Identified Above

The first step in creating an effective operational analysis capability is to develop specific standard procedures for all administrative areas, as listed above. The procedures should be highly detailed, and should contain the time standard for completion of the procedure. For example, the procedures for processing an initial civil filing could include:

GENERAL REGISTRY

1. Receive initial civil complaint during court hours.
2. Review complaint for correct court at time of filing.
3. Count the number of pages in the complaint, and the number of copies of the complaint at time of filing.
4. Place inked stamp on first page of each copy of the complaint (Note: include an imprint of the stamp) at time of filing.
5. Enter onto the correct areas of the stamp at time of filing (Note: the imprint of the stamp should provide samples of correct entries, and be cross-referenced to the procedure number):
 - a. The date and time received
 - b. The number of copies

Developing standard procedures at this level of detail is a time-consuming process, but it results in very clear instructions for every activity in the court. In most courts, it has been found that it is useful to compile the procedures in a loose leaf binder (rather than a bound book). This permits rapid modification, when necessary, and also allows sections to be reproduced for different departments and individual staff members.

3.6.3 Determine the Allocation of Procedures to Specific Titles

The second step creating an effective operational analysis capability is to review the procedures and determine which titles identified in the **Regulation of the Systematization of Working Positions** in each basic court can best perform the procedures. Note that more than one position can be identified as the appropriate position to perform a procedure. This can be accomplished in a straightforward manner using a chart in which all procedures are listed in the first column, and all authorized titles are listed in the subsequent columns. The assignments of procedures to specific titles are indicated by placing an “x” in the appropriate cells, as shown below:

| Procedure | Head of Intake Office | Head of Sector | Clerk |
|---|-----------------------|----------------|-------|
| Prepare monthly statistical reports by 10 th day of following month. | x | x | |
| Enter initial information in civil registry within two hours of receipt. | | x | |
| Enter next trial date in registry within two hours of receipt of case folder. | | x | x |

3.6.4 Prepare an Operational Analysis Checklist, and Conduct Analyses

The Checklist provides a method for court administrators to insure that all of the required procedures are being carried out on a timely basis, and to determine which individuals are carrying out the procedures. It also can be used to identify redundant actions, and suggest areas for improvement. Finally, it can show if the workload of performing procedures has been made equitably among staff. An example of a Checklist is shown below.

EXAMPLE OF OPERATIONAL ANALYSIS CHECKLIST

| PROCEDURE | IS IT BEING DONE? | WITHIN TIME FRAME? | BY WHOM (TITLE & NAME) | WHERE (INTAKE OFFICE, COURTROOM) | METHOD (BY HAND, TYPED, COMPUTER) | COMMENTS |
|------------------|----------------------------------|-----------------------------------|---------------------------------------|---|--|-----------------|
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3.6.5 Develop a Performance Evaluation and Training Plan

After the operational analysis is completed, the next step is to review how well each person is carrying out her or his assigned procedures. The information gathered during the operational analysis provides court administrators the basis of conducting performance evaluations, based on objective operational criteria. This information can be merged with the performance evaluation material that may be required by the appropriate authorities.

A natural outgrowth of the information presented during performance evaluations is the preparation of a training plan for each staff person. A shortcoming in performing one or more procedures may indicate that additional training in those procedures should be conducted.

3.6.6 Use the Information in Career Development and Employment

The specific procedures required of each title can provide court administrators and staff with a clear understanding of the additional knowledge, skills and abilities that will be required for staff persons to advance within the Judiciary. In addition, the procedures required to be performed by a person holding a specific title can be used as the basis of clear job descriptions for use in recruiting and hiring new employees.

3.6.7 Summary of the Utility of Operational Analysis

A well designed and implemented operational analysis of courts can provide the focal point for national and local court administrators to apply all of the required knowledge and procedures to insure that the courts are running in an effective and efficient manner. The development of the operational analysis program requires strong executive sponsorship and a substantial commitment of resources. The result is well worth the effort.

3.7 CREATE A MACEDONIA COURT WORKING GROUP

In all organizations, there is a wealth of information about best practices that resides in the top and middle managers. It is vital to tap into that knowledge. That can be accomplished by creating a Macedonia Court Working Group (MCWG) which would meet to address and solve common operational problems, and to advise policy makers in the Administrative Office and the Ministry of Justice concerning new systems and procedures. In the courts in Macedonia, this group includes the court secretaries, the heads of the intake offices, and the court coordinators.

The working group should meet periodically, with a specific agenda containing common items of interest and concern. Experience in other court systems has shown that general meetings should be held no more than once per quarter, but that project-oriented meetings should be scheduled based upon a work plan that identifies reportable events.

The leadership of the working group could be established to provide a rotating chairperson, to change annually or every two years.

There are a significant number of projects that could benefit from the immediate formation of the MCWG. The projects include, but are certainly not limited to:

- Review, modify and implement the recommended Interim Manual Case Tracking System,
- Standardize statistical information and format, and develop Excel templates,
- Develop a plan to more fully utilize the existing local area networks, and
- Develop and implement the recommended Operational Analysis program.

3.8 REVISE THE STARTING DATE OF THE CALCULATION OF THE AGE OF DISPOSED CIVIL CASES

As described in the section on Description and Assessment of Current Operations, courts encounter difficulties in two procedural areas that affect the timely disposition of civil cases: the service of a

civil complaint on the defendant, and the collection of the court tax due from the plaintiff when filing a civil case. Two recommendations are made to address this problem.

3.8.1 For Statistical Purposes, the Starting Date of a Civil Case Should be the Date That Service of Process of the Complaint is Completed

The service of process of the complaints on the defendants in civil cases are difficult to carry out, in spite of the best efforts of the courier departments. As one example of the difficulties encountered by the courts, Struga Basic Court is having difficulty employing couriers who are willing to serve in some municipalities in its jurisdiction, and therefore are forced to rely on the postal service. In spite of these difficulties, the courts are held accountable for the timely disposition of cases as measured from the day that the complaint was filed, without any recognition of the service problem.

Therefore, it is recommended that for statistical purposes, the starting date of a civil case should be the date that service of process of the complaint is completed.

3.8.2 For Statistical Purposes, the Days During Which Action Cannot be Taken on a Civil Case Because of the Plaintiff's Failure to Pay the Court Tax Should Not be Included In Calculating the Age of the Case at Disposition

As discussed earlier, different courts approach this problem in different manners. Some courts will not schedule a case for an appearance or trial until the tax is paid. Other Courts will hear the case, but not issue a final decision or judgment until the tax is paid. In either manner, the courts should not be held responsible for these periods of time.

Therefore, it is recommended that for statistical purposes, the days during which action cannot be taken on a civil case because of the plaintiff's failure to pay the court tax should not be included in calculating the age of the case at disposition.

3.9 CONTINUE THE DEVELOPMENT OF A FULLY AUTOMATED, COMPREHENSIVE CASE MANAGEMENT SYSTEM

Benefits and differences from case tracking system, staffing ratios (1/40), data flow diagram.

As stated earlier, the scope of this report does not include addressing this topic. It is noted that there is an effort currently underway to develop a fully automated case management system. The effort includes an analysis of previous automated systems, and to the extent necessary, a redesign components of those systems.

3.9.1 Benefits of an Automated Case Management System

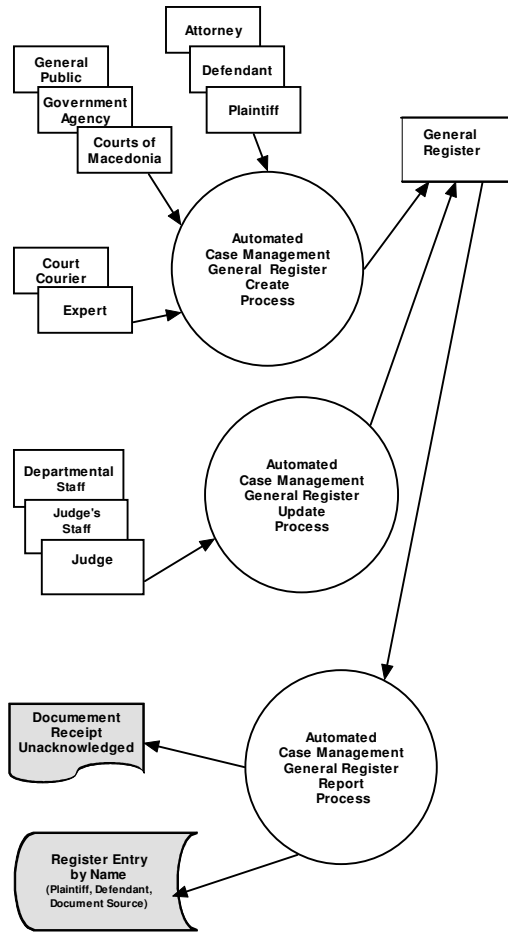
An automated case management system includes the data, processes and reports necessary to track the progress of cases in courts. It also assists the judge and staff in processing the substance of each case, including comprehensive data about all participants in each case, the specifics of the issues to be resolved, and the interim and final documents necessary to bring a case to a conclusion. The design of such a system is far more complex and comprehensive than a case tracking system. However, the end result of a well-designed system is that cases are processed and decided upon in a systematic manner that supports the rule of law and the transparency of proceedings.

Shown below are preliminary data flow diagrams based on operations in Skopje 2 basic court that help to describe the comprehensive nature of an automated case management system, and provide information to those involved in current development efforts. The data flow diagrams include the source of the information, the data elements that are collected, whether the data element is required, a description of the data elements, and the values that would be allowed. The diagrams also show the documents or display screens that would be produced.

An interesting feature is shown on the Civil and Criminal Department Register Processes. The Case Folder Label and Bar Code indicates that when a new civil or criminal case is first entered into the system, a special printer will produce a large label containing all of the data that is currently entered

manually on the case folder, with the addition of a bar code that contains the case number. The large label would be affixed to a case folder. In addition, every chambers, department and office would have scanners. When the case folder is physically delivered to a new location, the scanners would be used to record the case folder location in the automated system.

Automated Case Management General Register Processes

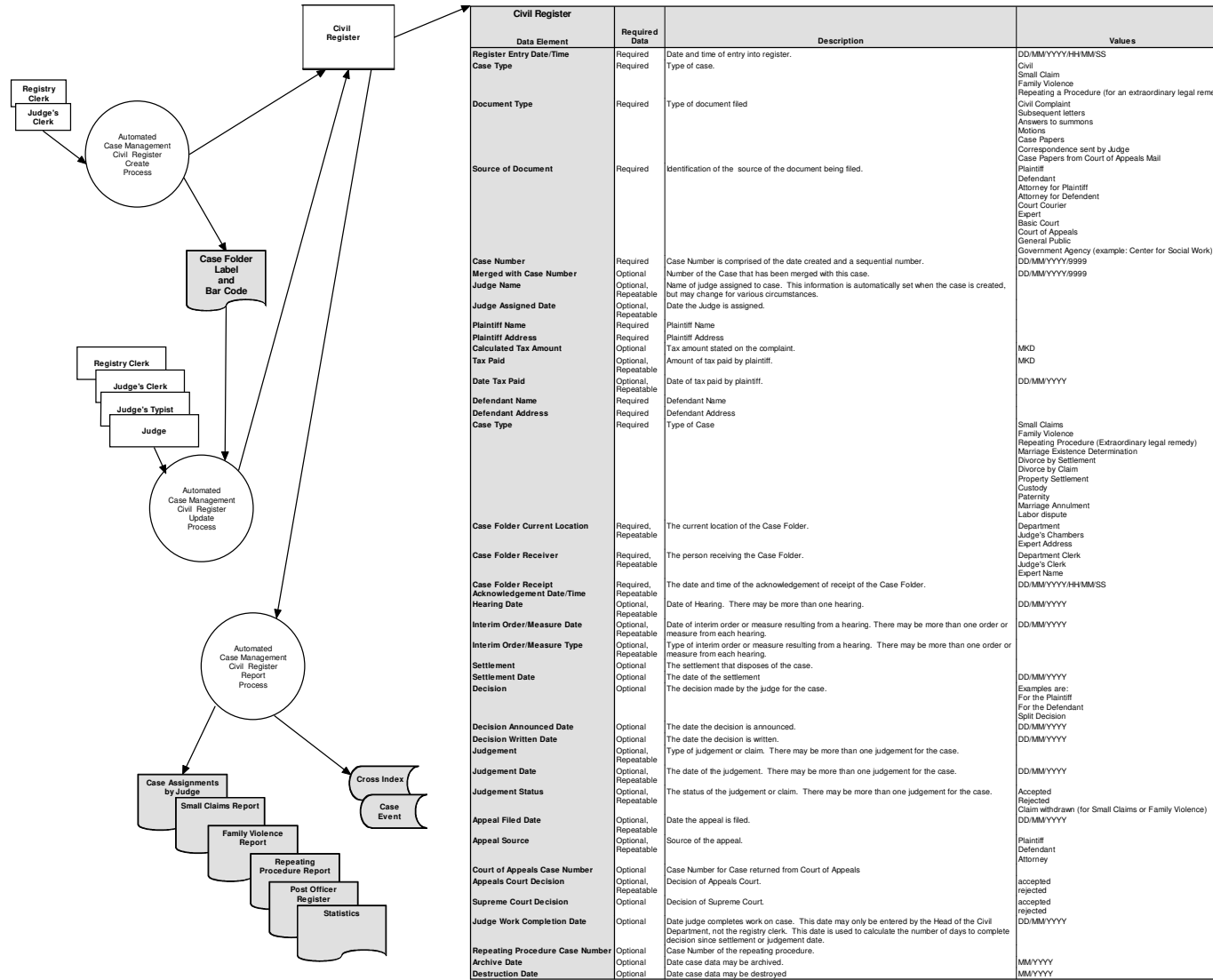


1. Automated Case Management General Register Create Process -
This process records the receipt of a document, records partial information related to a document, and records the delivery of a document. The document is stamped using a printer attached to the automated system which provides the name of the court, the Registry Entry Date/Time, number of pages and number of copies. Also provided is the Basic Court Assigned Number, if applicable.

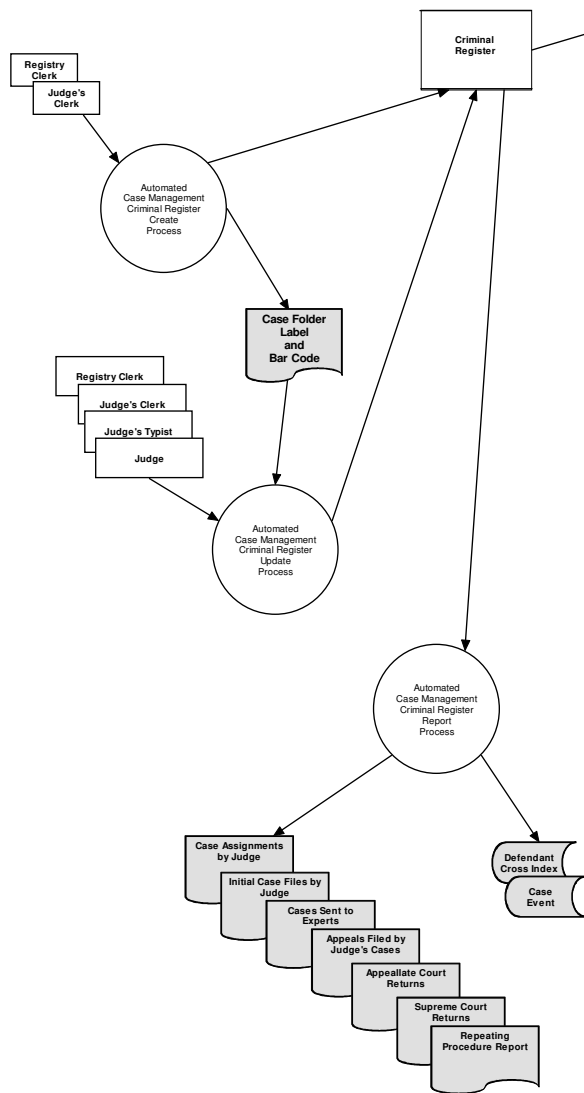
2. Automated Case Management General Register Update Process -
This process allows the appropriate party to acknowledge receipt of a document.

| General Register | | | |
|--|---------------|--|--|
| Data Element | Required Data | Description | Values |
| Register Entry Date/Time | Required | Date and time of entry into the register. | DD/MM/YYYY/HH/MM/SS |
| Case Type | Required | Type of case. | Criminal Civil Investigation Enforcement-civil-natural person Non-trial Criminal Sanction Enforcement Commercial trials Bankruptcy Commercial enforcement Minors Payment orders Misdemeanors Return of Court of Appeals Correspondence to President Judge Correspondence to Court Secretary Returned Mail |
| Document Type | Required | Type of document filed | Civil Complaint Criminal Indictment Subsequent letter Answer to summons (confirmation of delivery) Motion Case Paper (includes expert report) Correspondence to Court Case Paper from Court of Appeals Received Mail Returned Mail |
| Source of Document | Required | Who filed the document | Plaintiff Defendant Attorney of Plaintiff Attorney of Defendant Court Courier Expert Basic Court Court of Appeals General Public Government Agency DD/MM/YYYY/9999 |
| Basic Court Assigned Number | Optional | Basic Case Number is comprised of the date created and a sequential number. | |
| Number of Pages | Required | The number of pages of the document. | |
| Number of Copies | Required | The number of copies of the document. | |
| Plaintiff Name | Required | Plaintiff Name | |
| Plaintiff Address | Required | Plaintiff Address | |
| Defendant Name | Required | Defendant Name | |
| Defendant Address | Required | Defendant Address | |
| Court of Appeals Case Number | Optional | Case Number for Case returned from Court of Appeals | |
| Calculated Tax Amount | Optional | Tax amount stated on the complaint. | MKD |
| Tax Paid | Optional | Amount of tax paid. | MKD |
| Date Tax Paid | Optional | Date of tax paid. | DD/MM/YYYY |
| Mail Status | Optional | Status of Mail | Opened Not Opened DD/MM/YYYY |
| Mailed Date | Optional | Date document is mailed. | DD/MM/YYYY |
| Method of Mail Delivery | Optional | Who delivered mail | Registry Staff Courier |
| Case Document Receipt Acknowledgement | Optional | Acknowledgement of receipt of document by appropriate department staff person based on the type of register. | Yes, receipt acknowledged No, receipt not acknowledged |
| Correspondence Receipt Acknowledgement | Optional | Acknowledgement of receipt of correspondence by Judge's staff. | Yes, receipt acknowledged No, receipt not acknowledged |
| Mail Return Date | Optional | Date Mail Returned | DD/MM/YYYY |

**Automated Case Management
Civil Department Register Processes**



**Automated Case Management
Criminal Department Register Processes**



| Criminal Register | | | |
|--|----------------------|---|---|
| Data Element | Required Data | Description | Values |
| Register Entry Date/Time | Required | Date and time of entry into register. | DD/MM/YYYY/HH/MM/SS |
| Case Type | Required | Type of case. | Criminal Investigation Misdemeanor Repeating a Procedure (extraordinary legal remedy) Criminal Complaint Subsequent letters Answers to summons Motions Case Papers Correspondence to Court Case Papers from Court of Appeals Mail |
| Document Type | Required | Type of document filed. | Plaintiff Defendant Judge Attorney for Plaintiff Attorney for Defendant Court Courier Expert Basic Court Court of Appeals General Public Government Agency (example: Center for Social Work) |
| Source of Document | Required | Identification of the source of the document being filed. | |
| Case Number | Required | Case Number is comprised of the date created and a sequential number. | DD/MM/YYYY/9999 |
| Merged with Case Number | Optional | Number of the Case that has been merged with this case. | DD/MM/YYYY/9999 |
| Judge Name | Optional | Name of judge assigned to case. This information is provided only by the Head of the Criminal Department. | |
| Prosecutor Name | Required | Prosecutor Name | DD/MM/YYYY |
| Prosecutor Assigned Date | Required | Date Prosecutor assigned | |
| Defendant Name | Required | Defendant Name | |
| Defendant Address | Required | Defendant Address | |
| Article Accused | Required | The article the defendant is accused of violating. | |
| Correspondence Delivery Method | Optional | Method used to deliver correspondence. | Courier Mail Sent to other court for delivery DD/MM/YYYY |
| Hearing Date | Optional, repeatable | Date of Hearing. | |
| Hearing Results | Optional, Repeatable | The order resulting from the hearing. There may be more than one order resulting from a hearing. | |
| Date Sent to Expert | Optional, repeatable | Date sent to expert. | DD/MM/YYYY |
| Date Returned from Expert | Optional, repeatable | Date returned from expert | DD/MM/YYYY |
| Conviction Charge | Optional | The article the defendant is convicted of violating. | Section of penal code. |
| Main Penalty | Optional | The main penalty the defendant receives. | Fine Prison Term Restitution Alternative Sentence probation parole community service |
| Conditional Penalty/Prison Term | Optional | The conditional penalty or prison term received by the defendant. | DD/MM/YYYY |
| Verdict Announced Date | Optional | The date the verdict is announced. | DD/MM/YYYY |
| Verdict Written Date | Optional | The date the verdict is written. | DD/MM/YYYY |
| Verdict Sent to Parties Date | Optional | The date the verdict is sent to the parties of the case. | DD/MM/YYYY |
| Case Final Date | Optional | The date the case is considered final after the deadline for appeal. | DD/MM/YYYY |
| Agency Decision Sent To | Optional | The agency to which the decision was sent. | DD/MM/YYYY |
| Appeal Filed Date | Optional, repeatable | Date the appeal is filed. | DD/MM/YYYY |
| Appeal Source | Optional, repeatable | Source of the appeal. | Plaintiff Defendant |
| Court of Appeals Case Number | Optional, repeatable | Case Number for Case returned from Court of Appeals | |
| Appeals Court Decision Date | Optional, repeatable | Date of the Appeals Court decision. | DD/MM/YYYY |
| Appeals Court Decision | Optional, repeatable | Decision of Appeals Court. | accepted rejected modification new trial ordered 999 |
| Number of Days from Filing to Verdict | Optional | The number of days between the date the case is filed and the date the verdict is announced. | 999 |
| Number of Days from Act to Final Disposition | Optional | The number of days between the date the verdict is announced and the date the verdict is written. | 999 |
| Enforcement of Fine Date | Optional | The date of enforcement of the fine. | DD/MM/YYYY |
| Supreme Court Decision | Optional | Decision of Supreme Court. | ??? need info |
| Disposition Date | Optional | The date the judge files the written verdict in the case folder and turns the case folder over to the Department. | MM/YYYY |
| Repeating Procedure Case Number | Optional | Case Number of the repeating procedure. | |
| Archive Date | Optional | Date case data may be archived. | MM/YYYY |
| Destruction Date | Optional | Date case data may be destroyed | MM/YYYY |

3.9.2 Hire a Sufficient Number of Information System Staff

Any automated system requires specialized, highly technical service staff. The staff must be able to develop, implement and maintain servers, desktop computers, printers and scanners, local area networks, wide area networks, operating systems, application software, and help desk and service request functions. Without this service capacity, even the best designed and implemented system will fail rapidly.

Each organization will need a different mix of staff abilities, depending upon several factors. These factors include the complexity of the application systems, the number of servers and user computers, the continuity of the capability and brand name of the equipment, the geographic size of the networks, and the sophistication of the users. In addition, automation service staff will have to be trained constantly to keep informed of the latest technology, its capacities and costs, and possible application to the organization's changing needs.

Another key question is the number of staff required to adequately support an organization's automation system and users. The Mitre Corporation published a technical paper titled "Predicting Staffing Sizes for Maintaining Computer-Networking Infrastructure". The Corporation analyzed available ratios, and found that typical infrastructures had one full time equivalent support staff for every 42 users. The Gartner Company, in a similar study, found that governmental, educational and nonprofit organizations had a ratio of one support staff for every 36 users. A planning figure of one full time equivalent support staff for every 40 users in the Macedonia Judiciary will probably be adequate.

Additional staff should be hired in advance of purchasing and installing new hardware and software. Every newly hired automation support staff person will have to go through a "learning curve" to understand the mission, operations and functions of the Judiciary, how automation supports the Judiciary, and the specific training and support needs of the users in the Judiciary.

The qualifications of the staff should include training and experience in developing, using and training users in:

- an office suite, such as Microsoft Office,
- data base software,
- server software,
- operating systems, such as Microsoft XP,
- local area networks,
- wide area networks,
- HTML,
- Internet access, design of web pages, and security.

3.10 DETERMINE THE NEED FOR HIGH DENSITY SHELVING FOR CASE FOLDERS IN ALL COURTS, AND PURCHASE, AS APPROPRIATE

In all four courts that were visited, storage of pending and disposed case folders was identified as a problem. Archiving case folders is done in accordance with existing laws, and is accomplished on a timely basis. However, the volume of case folders, and the method of storage (stacked in cabinets), is a constant problem, particularly when an archived case must be removed.

The case folder and other document storage needs should be carefully assessed in all basic courts. Modern, high density movable shelving should be considered for each court, if supported by on-site analysis.

3.11 INDIVIDUAL COURT RECOMMENDATIONS

During site visits to the four courts, discussions and analysis have led to specific recommendations in the courts. They include:

- Skopje 2 – reconfigure the upper floors of the Court that would permit the typist that is in support of a judge to have office space close to the judge, instead of being located on separate floors.
- Veles - continue the plan for construction on first floor for installing a public counter, eliminating the flow of people in and out of the offices of the different departments.
- Veles – develop a method of printing out information in a report format that contains the information recommended on the Register Card presented in the Interim Manual Case Tracking System. This will provide a safeguard and backup to the automated system currently in use.

4. COURT OPERATIONS AND MANAGEMENT ACTION PLAN

This section of the report is an action plan which presents a recommended order of implementation of the recommendations contained in the previous Section 3. The recommendations presented in the major subheadings can be implemented concurrently, while other recommendations enumerated under the subheadings should be implemented in the specific order as presented.

4.1 CREATE A MACEDONIA COURT WORKING GROUP

As stated before, the MCWG will provide a wealth of information on current practices and problems, proposed solutions, and oversight of implementation. Ideally, the MCWG would be guided and supported by the Administrative Office of the Court Budget Council. Initially, the MCWG could be guided and supported by the staff of the MCMP. That role could be given to the Administrative Office when the capacity has been firmly established.

Once the MCWG is established, the Working Group should work to implement the following recommendations, in the order presented:

- Adopt and implement an interim manual case tracking system
- Standardize data elements and the format for statistical reporting
- Expand the use of the automation assets currently available to the courts
- Implement the civil case management order and the civil case information statement in all courts
- Develop and implement an operational analysis capability in the courts and the administrative office of the court budget council

4.2 AMEND THE BOOK OF RULES TO STATE THE ITEMS OF INFORMATION TO BE CAPTURED WITHOUT MANDATING THE FORMAT OR METHOD OF STORAGE

The MCMP should take the lead on implementing this recommendation, with the combined efforts of the Supreme Court and the Ministry of Justice. It is understood that amendments to the Book of Rules will be amended in the next several months to coincide with the recent modifications to the Law on Courts. Therefore, it is essential that this recommendation be readied for inclusion in the forthcoming amendments.

4.3 REVISE THE STARTING DATE OF THE CALCULATION OF THE AGE OF DISPOSED CIVIL CASES

This recommendation should be considered and acted upon in the near future, by the proper administrative authorities.

4.4 CONTINUE THE DEVELOPMENT OF A FULLY AUTOMATED, COMPREHENSIVE CASE MANAGEMENT SYSTEM

The current working group should continue its design, development and implementation efforts.

4.5 DETERMINE THE NEED FOR HIGH DENSITY SHELVING FOR CASE FOLDERS IN ALL COURTS, AND PURCHASE, AS APPROPRIATE

The MCMP should incorporate this review in its efforts concerning court facilities in Macedonia.

4.6 INDIVIDUAL COURT RECOMMENDATIONS

Individual court recommendations should be supported by the MCMP wherever possible.

5. RECOMMENDATIONS FOR FUTURE TRAINING AND WORKSHOPS

Almost all of the recommendations contained in this report are dependant upon training and workshops to effectively implement the recommendations. In addition, it would be very beneficial for some of the recommendations to have workshops focused on the structure and methodology of developing the specific recommendations. These are identified below.

5.1 TRAINING AND WORKSHOPS TO BE ABLE TO DEVELOP RECOMMENDATIONS

Both the Interim Manual Case Tracking System and the Development of the Operational Analysis Capability could significantly benefit from on-site training and workshops. Both of these recommendations involve significant departures from current systems and procedures. Yet, to be successful, both of the recommendations need the input and design from the judges and staff that are currently managing the courts.

The most productive approach for both recommendations is to first create the Macedonia Court Working Group, and then create project teams to work on the components of these recommendations. Once the project teams have been selected, specific training and workshop sessions can be designed for the teams to:

- Review the objectives and problems to be solved by the recommendations,
- Identify the scope and define the methodology to be used in developing, testing and implementing the recommendations,
- Prepare a project plan to cover the recommendations through implementation,
- Conduct “hands-on” working sessions to start the work, and
- Schedule follow-up sessions to review the work to date, and make modifications to the project plan as necessary.

It is necessary to point out that while the Interim Manual Case Tracking System is relatively straight forward, and could be completed in a six to nine month time frame, the Operational Analysis Capability will require several years, depending upon the number of staff available to work on the project. The majority of time would be spent on the development of standard operating procedures, and compiling them into manuals. The subsequent development of the checklists can proceed quickly after the manuals are completed.

5.2 TRAINING AND WORKSHOPS TO IMPLEMENT RECOMMENDATIONS AFTER DEVELOPMENT

Training programs would be required to implement the recommendations after the systems or procedures have been designed and tested. The most useful approach would be to design “train-the-trainers” programs, in which experts in the various fields required for each recommendation would work with members of the Judiciary, the MCWG, or other individuals. A curriculum and materials would be jointly developed by the experts and the designated trainers from the Macedonia Judiciary, and the first several sessions would be conducted. Thereafter, the Macedonia Judiciary trainers would complete the training.

APPENDICES

APPENDIX 1

SKOPJE 2 BASIC COURT CASE TRACKING SYSTEMS AND PROCEDURES

ORGANIZATION

- President Judge
- Court Secretary
- 76 Judges
- 87 Typists
- 30 Judge's Assistants

GENERAL OPERATIONS

Court has Book of Rules

Typist is in courtroom. There is one typist per judge. The typist takes minutes, not verbatim testimony. The minutes have to be signed by the parties. Objections are noted.

Each department has registry book, and color coded case folders.

Each registry and book is described in the following material. If the registry or book is described as "Official", it is specifically mentioned in the Book of Rules. Any item containing the work "Notebook" is an unofficial document.

Color coded case folders are used for containing case papers. Case papers are inserted in case folders by the registry clerk after the case has been entered into a registry.

INTAKE OFFICE – Registry Department Mail and General Registry

12 official registry books are used, sorted by type of action:

- Criminal
- Civil
- Investigation
- Enforcement – civil – natural person
- Non-trial
- Criminal sanction enforcement
- Commercial trials
- Bankruptcy
- Commercial enforcement
- Minors
- Payment orders
- Misdemeanors

These books have the same information:

- Date
- What was filed
- Who filed the document
- Court assigned number (for subsequent filings)
- Calculated tax amount

If the papers are filed in person, the papers are stamped, and one copy returned to the filer. If the papers are mailed, the filer uses certified mail. No copy is returned.

Cases are distributed to departments by Registry staff. Acceptance of the document by the Department staff is indicated by two check marks in the registry books, one by the Registry staff, and one by the Head of Department.

In addition, there are official registry books for

- Return of Court of Appeals Cases
 - Data
 - Date
 - Basic Court case number
 - Court of Appeals case number
 - Registry staff takes to Head of Intake Office, who enters information into Appellate Returns Book (additional information from the case file).
- Correspondence
 - Two registries maintained
 - President Judge
 - Court Secretary
 - Mail is not opened
 - Date delivered
 - Delivered by Registry staff or by courier.
 - Acknowledgement of receipt by signature of technical secretary.
 - If correspondence is case related, it is returned to the General Registry for entry into the correct case Registry book
- Returned mail

CIVIL DEPARTMENT

Notebook of Case Assignment to Judge

- Cases are assigned on the same day that they are received.
- Type of Case – one type per page. In addition, the following subdivisions are considered:
 - Determining the existence of a marriage
 - Labor disputes
 - Divorce by settlement
 - Divorce by claim
 - Timely measures for property
 - Change in custody for children
 - Paternity
 - Annulment of marriage
 - Family violence
- Roman numeral of each judge entered on each page for each case.
- Cases are assigned in order, e.g., if Judge XX was the last entry on the page for undisputed matrimonial cases, the next case of this type will be assigned to Judge XXI
- Head of the Civil Department assigns cases.

Official Registry

- 50 columns, not all used
 - Case number
 - Date of reception
 - Judge
 - Plaintiff
 - Defendant
 - Type of Case
 - Hearing dates
 - Interim orders/measures (date and type)
 - Settlement

- Judgment, (accepted and date or rejected and date)
- Date appeal filed
- Who filed appeal
- Decision of Court of Appeals (three types of decisions)
- Case Number of Court of Appeals, and date received
- Decision of Supreme Court
- Judge work completed date (month and year)
- Date archived (month and year)
- Data is entered by the registry clerk, except for Judge Work Completed Date and Date Archived and appeals submitted, which is entered by the Head of the Department
- Data for entry into the registry book is gathered from the compliant, file folder, or minutes.

Official Small Claims Registry and Official Family Violence Registry

- One book used for Small Claims and one book used for Family Violence
- Reduced amount of information in these two books
 - Case number
 - Judge
 - Plaintiff (in Family Violence cases, this is always the Center for Social Work)
 - Defendant
 - Type of claim
 - Main hearing date
 - Decision announced date
 - Claim withdrawn and decision
 - Date appealed filed
 - Who filed appeal
 - Court of Appeals decision
 - Judge work completed date (month and year)
 - Date archived (month and year)

Official Repeating a Procedure Registry

- Used for a request for an extraordinary legal remedy
- After an appeal, or deadline for filing an appeal, in accordance with specific legal conditions
- The basic court must hold a hearing. It may send the case through the Court of Appeals to the Supreme Court for a decision.
- Data
 - Judge (same as judge who heard the original case)
 - Plaintiff
 - Defendant
 - Case type
 - Date of hearing
 - How decided and Date decided
 - Decision final date
 - Case number (of original case)
 - Date case closed by judge
 - Date archived
- Referenced in Official Civil Registry

Official Defendant Name Book

- Cross index by defendant name to registry
- Data includes:
 - Defendant name
 - Type of claim
 - Plaintiff name
 - Judge number and Case number

Official Civil Case File Folder

- The folder holds all case papers for a specific case
- Civil Case File Folder is green
- The registry clerk inserts case papers after registration and assignment to judge
- Data on outside of Folder includes:
 - Judge
 - Case Number
 - Single judge or council
 - Plaintiff
 - Defendant
 - Type of Claim
 - Date case ready for archiving
 - Date archived
 - Number of years to be retained in the court
 - Court case number
 - Date of hearing
 - Time of hearing
- Data on inside of Folder includes information about case papers:
 - Entry number
 - Date received
 - Description
 - Number of motions
 - Number of pages
 - Notes

Notebook of Initial Case Acts from Judge's Clerk to Judge

- One notebook maintained by judge's clerk
- Data includes:
 - Judge
 - Date
 - Case number

Notebook of Return of Case Files from Judge to Civil Department

- One book per judge
- Book is in the Civil Department
- Used for recording future appearance dates
- Typist enters the future date and the case numbers scheduled for that date, and places case file in cabinet.
- Registry clerk enters next scheduled date in registry, and gives cases to judge's clerk
- Judge's clerk places case file in the cabinet for the judge, organized by next appearance date.
- Note: all interim notices are prepared and sent by typists serving as minute-takers and part clerks.

Notebook of Case Files for Next Appearance to Judge from Judge's Clerk

- One book per judge's clerk
- Book is in the desk of the judge's clerk
- Judge's clerk enters future appearance date and case numbers
- Cases files are delivered to the Judge one or two days before the trial.

Notebook of Cases sent for Expertise

- Used to track cases sent to expert
- Data
 - Date
 - Judge

- Case number
- Where the case was sent
- Signature of courier

Official Judge Disposition Book

- Completed by typist on a daily basis – brought to Department Head with case folders for cases that disposition or judgment has been typed in final version
- Data
 - Date decision brought
 - Date decision to Civil Department
 - Case numbers
 - Decision made
 - Number of days from decision brought to written decision

Official Department Judge Disposition Book

- Used for statistics
- One book per Department, by month, for year
- Completed by department head, compiled from Judge Disposition Book - Judge
- Data
 - Judge
 - Case number
 - Type of disposition
 - Case type
 - Number of days to disposition
 - Date disposition announced
 - Date disposition or judgment written
 - Elapsed time
- Civil department head checks against Judge Disposition Book – Judge and case folders.
- Note: disposition standard is 25 cases per month

Distribution of final decisions and orders are done by judges' clerks. When service is completed by courier or mail, the proof of service is given to a judge's clerk, who files proof in case folder. In addition, all other proofs of service are returned to the judges' clerks who file them in the case folder. Note: a judge has not cleared a case as disposed until the disposition or judgment has been typewritten and sent to parties.

Monthly Report

- Compiled from Official Department Judge Disposition Book
- Same data as in Official Book
- Brought to Head of Intake Office

Notebook of Appeals Filed

- Maintained by judge's clerk
- Entries made when appeals are filed
- Data include
 - Judge
 - Date sent to Court of Appeals
 - Case number
 - Signature of courier

CHAMBERS

Typist

- One typist per judge

- Keeps the minutes of the court proceedings
 - Uses a personal computer in the courtroom, and word processing
 - One folder per date
 - One document per case
 - Standard template for headers, but not data
 - If a case is rescheduled, the case document is copied forward to a new date folder
- Prepares a printed calendar for posting outside of the courtroom
- Prepares decisions and judgments in back office on personal computer, in collaboration with judge or judge's assistant, if assigned.
- Notebook showing cases returned to the Civil Department
 - One book per judge
 - Date
 - Case number
- Notebook showing workload of decisions and judgments
 - One book per judge
 - File number of decisions
 - File number of judgments

Scheduling Process

- Judge prepares manual scheduling order
- Typist prepares multi-part invitation to preliminary hearing or main hearing, gives to courier for personal service (or mail, if outside of area served by courier)
- Acknowledgment of service returned to Department, who places it in file folder
- Comments:
 - Judge and chambers doing all interim case processing, including tracking of compliance or non-compliance with service.
 - Typist could be used more as a tracker, or
 - Judge's clerk in Department. Now, rescheduled dates result in the case file being brought to the Department, but not necessarily all other interim actions.

Role of Judge's Assistant in Non-Trial case types

- Acts as hearing officer
- Conducts all phases of case management
- Prepares decision or judgment, which is signed by judge

CRIMINAL DEPARTMENT

Notebook of Case Assignment to Judge

- Maintained by registry clerk
- Method of division includes:
 - Severe crimes
 - Multiple defendants
 - Other crimes
- Method of division is arranged in columns
- Judges are indicated by row
- Hash marks entered into the cell formed by the intersection of the column and row

Official Registry

- 51 columns, not all used
 - Case number
 - Judge
 - Prosecutor's number and date
 - Defendant and defendant address
 - Article accused

- Date of hearing
- Date sent to expert
- Date returned from expert
- Date of verdict
- Article convicted
- Main penalty
- Conditional penalty or prison term
- Date verdict written
- Date verdict sent to defendant
- Date case is considered final (after deadline for appeal)
- Agencies to which decision was sent
- Appeal filed
- Decision of Court of Appeals, and date
- Number of days from filing to verdict
- Number of days from act to final disposition
- Archives month and year
- Enforcement of fine date
- Disposition month and year
- Data is entered by the registry clerk.
- Data for entry into the registry book is gathered from the file folder or minutes.
- This Registry is used to record Repeating a Procedure
 - Used for a request for an extraordinary legal remedy
 - After an appeal, or lapse of time for filing an appeal, in accordance with specific legal conditions
 - The basic court must hold a hearing. It may decide the case, or send it to the Supreme Court for a decision.
 - New entry is made, with new court number, and cross referencing old number

Official Defendant Name Book

- Cross index by defendant name to registry
- Data includes:
 - Defendant name
 - Article of crime accused
 - Case number
 - Comments – usually holds the first name of father of defendant as an assist to positively identifying the defendant

Official Criminal Case File Folder

- The folder holds all case papers for a specific case
- Criminal Case File Folder is red
- The registry clerk inserts case papers after registration and assignment to judge
- Data on outside of Folder includes:
 - Judge
 - Case Number
 - Single judge or council
 - Defendant
 - Article accused
 - Date case ready for archiving
 - Date archived
 - Number of years to be retained in the court
 - Court case number
 - Date of hearing
 - Time of hearing
- Data on inside of Folder includes information about case papers:

- Entry number
- Date received
- Description
- Number of matters
- Number of pages
- Notes

Notebook of Initial Case Files from Judge's Clerk to Judge

- One notebook maintained by judge's clerk
- Data includes:
 - Judge
 - Date
 - Case number

Notebook of Return of Case Files from Judge to Civil Department

- One book per judge
- Book is in the Civil Department
- Used for recording future appearance dates
- Typist enters the future date and the case numbers scheduled for that date, and places case file in cabinet.
- Registry clerk enters next scheduled date in registry, and gives book and cases to judge's clerk
- Judge's clerk places case file in the cabinet for the judge, organized by next appearance date.
- Note: all interim notices are prepared and sent by typists serving as minute-takers and part clerks.

Notebook of Case Files for Next Appearance to Judge from Judge's Clerk

- One book per judge's clerk
- Book is in the desk of the judge's clerk
- Judge's clerk enters future appearance date and case numbers

Notebook of Cases sent for Expertise

- Used to track cases sent to expert
- Data
 - Date
 - Judge
 - Case number
 - Where the case was sent
 - Signature of courier

Official Judge Disposition Book

- Completed by typist on a daily basis – brought to Department Head with case folders for cases that disposition or judgment has been typed in final version
- Data
 - Date
 - Case numbers
 - Decision made
 - Number of days to complete decision from decision made date
 - Check mark indicating verification with case folders

Official Department Judge Disposition Book

- Used for statistics
- One book per Department, by month, for year

- Completed by department head, compiled from Judge Disposition Book - Judge
- Data
 - Judge
 - Case number
 - Type of disposition
 - Case type
 - Number of days to disposition
 - Date disposition announced
 - Date disposition or judgment written
 - Elapsed time
- Criminal department head checks against Judge Disposition Book – Judge and case folders.
- Note: disposition standard is 17 cases per month

Monthly Report

- Compiled from Official Department Judge Disposition Book
- Same data as in Official Book
- Brought to Head of Intake Office

Notebook of Appeals Filed

- Maintained by judge's clerk
- Entries made when appeals are filed
- Data include
 - Judge
 - Date sent to Court of Appeals
 - Case number
 - Signature of courier

Official Detention Registry

- Registry number
- Name
- Case number and judge number
- Beginning date of detention and ending date of detention
- Decision and date from Court of Appeals

Official Request for Reduction of Penalty Registry

- Registry number
- Date received in Department
- Judge and case number
- Name of defendant
- Proposal to Council
- Decision of the Council

HEAD OF INTAKE OFFICE

Official Appellate Returns Book

- Kept by Head of Intake Office
- Separate section for all judges (civil, criminal, etc.)
- Data:
 - Date received from Court of Appeals
 - Basic court number
 - Court of Appeals number
 - Disposition type

Notebook of Supreme Court Returns

- Kept by Head of Intake Office
 - Date received from Supreme Court
 - Basic court number
 - Supreme Court number
 - Disposition type

Monthly Statistics File

- Maintained and developed by Head of Intake Office
- Receives monthly reports from each Department
- Prepares court-wide report.

DELIVERY DEPARTMENT

The Delivery Department consists of a Head of the Delivery Department and 18 staff. The Department is responsible for the service of process of all court documents. This starts with the service of the complaint in a civil case, and concludes with the delivery of decisions, verdicts, or judgments. The Delivery Department has a geographic area of responsibility. If an addressee of a court document lives outside the geographic area of responsibility, the Department sends the document by ordinary mail.

Judges, typists, court assistants, and/or judge's clerks prepare summons or transmittal documents, which can have complaints, verdicts, decisions, judgments, etc. for delivery. The Delivery Department gathers all such documents from the chambers or Intake Office Departments, and sign document control notebooks indicating the transfer of custody.

Each Department staff has a book that tracks the status of each document that she or he has collected for delivery. The book contains the following data:

- Date
- Type of case
- Case number
- Scheduled date
- Type of document
- Date the confirmation of delivery document is returned to the Court
- Comments

If the service is successful, the Department staff returns the part of the summons with the signature of the individual receiving the document. If the individual was not present, but a family member was available and accepted the document, the Department staff completes a document for the family member to give to the individual requiring them to be present at court three business days in the future to receive the document or direction, or to be at home on a specified day and time for service. If no one is there, a notice is left with the same instructions. The attempt at service is repeated by the Department staff.

If service is by mail, the staff enters the information in a post office register in duplicate, detailing each item of mail. The post office stamps the page as received, and the amount of postage to be paid by the Court is noted.

STATUS OF AUTOMATION IN SKOPJE 2

The court has one file server, one computer per courtroom, and one computer per typist. In addition, there are additional computers throughout the court, but some of these are not used. The network has jacks in many locations. However, additional work and procurement needs to be accomplished before

the network can be considered complete, and ready for the development and implementation of case management systems.

The most aggressive current development of an automated system is in the Misdemeanor Department of Skopje 2, using a modified version of an earlier program. The earlier program was successful in installing a local area network in all courts in Macedonia

APPENDIX 2

PRILEP BASIC COURT CASE TRACKING SYSTEMS AND PROCEDURES

ORGANIZATION

- President Judge
- Court Secretary
- 27 judges, currently 4 vacant
- 24 typists
- 16 judge's assistants
- Intake Office
 - General Intake and Outgoing
 - Civil
 - Civil
 - Commercial
 - Bankruptcy
 - Non-trial
 - Criminal
 - Investigation
 - Criminal
 - Misdemeanor
 - Executing sanctions

GENERAL OPERATIONS

Discussion with Court Secretary

The Court Secretary noted that the new Law on Courts, effective 1 January 2007 establishes that the Court Secretary is responsible for administration of the court. Prior to this date, the President Judge has been responsible, and the role of the Court Secretary has been to assist the President Judge. The Book of Rules should be modified to reflect this fundamental change.

The Court does not schedule any hearing on a civil case until it receives proof that the tax has been paid.

The Court encounters the same set of difficulties concerning service of process as experienced by other courts.

INTAKE OFFICE - GENERAL INTAKE

- Receives all incoming documents, in person or by mail.
- Stamped as received, using required stamps
- Documents placed in bins by addressee or proper office
- No register is used.
- Documents distributed by General Intake to addressee or proper office
- Also receives all outgoing mail from judges and staff

ASSIGNMENT OF CASES TO JUDGES

- Court Secretary makes all assignments

- New cases brought first from General Intake to Court Secretary
- Court Secretary uses date and time to assign judges, as required by new Law on the Courts
- Assigned cases are returned to the Civil or Criminal Department

CIVIL DEPARTMENT

- Three case type registries
 - Civil
 - Small Claims
 - Family Violence
 - Repeating a Procedure
 - Initial entry and subsequent actions are made into one of these three registries
- Civil Registry
 - 48 columns
- Small Claims Registry (17 columns) and Repeat of Procedure Registry (12 columns) have similar information
- Defendant Name Book
 - Cross Index
- Registry for Giving Case to Judge
 - Organized by judge
- Calendar Book for Scheduled Hearings
 - Each month, each day, for each judge, case number
 - Used for statistics and case control
- Statistics Book for Judges
 - By judge
 - Lists case numbers of new cases and cases returned from Court of Appeals for further action
 - Staff double checks with Calendar Book

CRIMINAL DEPARTMENT

The Criminal Department uses the same type of registries and control documents as are used in the Civil Department.

STATUS OF AUTOMATION

The Court has a local area network. Computers are located in the courtrooms, and in the judges' chambers. There is some use of shared files and folders.

APPENDIX 3

STRUGA BASIC COURT CASE TRACKING SYSTEMS AND PROCEDURES

ORGANIZATION

- President Judge
- Court Secretary
- 17 judges, currently 0 vacant
- 11 typists
- 7 judge's assistants
- 60 positions, 24 vacancies
- Intake office
 - General intake and outgoing office
 - Civil
 - Civil
 - Non-trial
 - Enforcement
 - Criminal
 - Investigation
 - Criminal
 - Misdemeanors

GENERAL OPERATIONS

Discussion with President Judge – two significant problems.

Fees. By law, a judge is forbidden to work on a case until the fee is paid. By Supreme Court ruling, a case should be processed even without payment of a fee. This is in keeping with a general ruling (?) of the Economic Union. This was to be a problem, when the fee was fixed at a relatively low amount. However, the fees are now set on a sliding scale based on the value of a case.

Service. 2001 military actions led to mass resignations of court couriers. Attempts to contract with individuals, or hire staff, have not been successful, and postal service is not effective.

INTAKE OFFICE - GENERAL INTAKE

- Receives all incoming documents, in person or by mail.
- Stamped as received, using required stamps
- Documents placed in bins by addressee or proper office
- No register is used.
- Documents distributed by General Intake to addressee or proper office

ASSIGNMENT OF CASES TO JUDGES

- President Judge issues an annual order, based on case type and ending number of case number
- Annual order also includes judges assigned to Council for determining detention status of criminal defendants
- Initial case papers go to Court Secretary for assignment
- Court Secretary returns cases to Intake Office, based on case type

CIVIL DEPARTMENT

- Three case type registries
 - Civil
 - Small claims
 - Repeating a Procedure
 - Initial entry and subsequent actions are made into one of these three registries by either of two clerks
- Civil Registry
 - 48 columns
- Small Claims Registry
 - 15 columns
- Repeating a Procedure Registry
 - 12 columns
- Defendant Name Book
 - Cross Index
- Registry for Giving Case to Judge
 - Organized by judge
- Scheduling process
 - Typist brings cases to Civil Department, with prepared notice to plaintiff and defendant
 - Registry clerk enters into appropriate Case Registry, and Scheduled Hearing Book
 - Scheduled Hearing Book
 - Double page for each month
 - Column for days
 - Row for Judge
 - Case number in cell
 - Registry clerk gives notice to couriers for delivery

OTHER CIVIL SECTIONS

The other sections have similar registers and books, and information contained in them.

CRIMINAL DEPARTMENT

- Two types of registries
 - Adult
 - Juvenile
 - Information contained in registries are similar
- Adult registry
 - 51 columns
- Defendant registry
- Registry for Giving Case to Judge
- Action by Council on Detention Registry
- Conditional Release Registry
- Repeating a Procedure Registry
- Penalty Paid Registry
- Amnesty Registry
- Scheduled Hearing Book

APPENDIX 4

VELES BASIC COURT CASE TRACKING SYSTEMS AND PROCEDURES

ORGANIZATION

- President Judge
- Court Secretary
- 20 judges, currently 2 vacant
- 1 typist per judge
- 10 judge's assistants
- Intake office
 - 1 in General Intake and Outgoing
 - 1.5 in Criminal (President Judge loans typist on part time basis)
 - 2 in Civil

GENERAL OPERATIONS

Discussion with President Judge and Court Secretary

As in other courts, non-payment of fee and service of process are problems, delaying the processing of cases.

New law requires that cases be assigned to judges based, in part, on the date and time of receipt. Need data and time stamp machine.

Physical problem of organization of public access to Intake. Separate offices. Court is working on design and construction of counter.

INTAKE OFFICE - GENERAL INTAKE

- Receives all incoming documents, in person or by mail.
- Stamped as received, using required stamps
- Documents placed in bins by addressee or proper office
- No register is used.
- Documents distributed by General Intake to addressee or proper office
- Also receives all outgoing mail from judges and staff.

SUBSEQUENT PROCESSING – ALL CASES AND ALL DEPARTMENTS

- Court has a DB2 character-based data base system running on an AS-400 IBM minicomputer, accessed by terminals in the Civil and Criminal Departments, and judges' chambers
- Data base was designed and installed in mid-1990's by the Ministry of Science
- Data base has data fields to record all information necessary to track the filing, progress and closing of a case, and to comply with the Court Book of Orders and the Law on the Courts. This includes the assignment of cases to judges.
- Entry of data:
 - Intake office staff in the Civil and Criminal departments enter information from the initial filings, and prepare the case file folders.
 - Intake office staff in both departments enter additional information from subsequent papers filed for a case, and from file folders when returned from a judge.
 - Typists assigned to judges enter scheduled hearing dates from terminals in the judges' chambers.
- Information retrieval and display

- The data base can display information on the screen in response to predefined queries.
- A simple query such as the next hearing data appears rapidly on the screen.
- More complex queries, such as the number of cases assigned to a judge over six months, can take several minutes to appear.
- There is no capacity to produce additional queries or reports.
- The data base is routinely used to gather information for the monthly and annual statistical reports.
- The only Register manually maintained is the Registry for Giving a Case to a Judge, which includes:
 - Case number
 - Basis of case
 - Date given to judge
 - Signature of judge
 - Date case closed
 - Signature of Civil Department Clerk
- Court has developed robust use of local area network
 - Access by all judges and staff who have personal computers through HTML menu, and shared documents
 - Typists' minutes and decisions
 - Meeting agenda and minutes
 - Statistics presented in Excel spreadsheets, with one worksheet per judge, and a court-wide summary worksheet
- Service of documents is performed by court couriers, or by mail.

APPENDIX 5

Civil Case Management Order

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|--|-----------------------------|--|-----------------------------|-------|--|----------|-------|-------|----------|--|-------|----------|--|-------|----------|--|-------|----------|--|-------|----------|--|-------|----------|--|-------|----------|--|-------|
| Basic Court _____ | Court Case Number _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CIVIL CASE MANAGEMENT ORDER | Judge _____ signature _____ Juror _____ signature _____ Juror _____ signature _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Plaintiff/s _____ _____ name and surname </td> <td style="width: 50%; vertical-align: top;"> _____ _____ signature </td> </tr> <tr> <td style="vertical-align: top;"> Defendant/s _____ _____ name and surname </td> <td style="vertical-align: top;"> _____ _____ signature </td> </tr> </table> | | Plaintiff/s _____ _____ name and surname | _____ _____ signature | Defendant/s _____ _____ name and surname | _____ _____ signature | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Plaintiff/s _____ _____ name and surname | _____ _____ signature | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Defendant/s _____ _____ name and surname | _____ _____ signature | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Evidence approved by the court: 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table style="width: 100%;"> <tr> <td style="width: 50%;">Number of trial dates requested by the:</td> <td style="width: 50%;">Defendant/s</td> </tr> <tr> <td>Plaintiff/s</td> <td></td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> </table> | | Number of trial dates requested by the: | Defendant/s | Plaintiff/s | | _____ | _____ | _____ | _____ | _____ | _____ | | | | | | | | | | | | | | | | | | | | |
| Number of trial dates requested by the: | Defendant/s | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Plaintiff/s | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table style="width: 100%;"> <tr> <td style="width: 40%;">Scheduled trial date/s</td> <td style="width: 10%; text-align: center;">and</td> <td style="width: 50%;">activity plan</td> </tr> <tr> <td></td> <td></td> <td>(use the number by each approved evidence)</td> </tr> <tr> <td>dd/mm/yy</td> <td></td> <td>_____</td> </tr> <tr> <td>dd/mm/yy</td> <td></td> <td>_____</td> </tr> <tr> <td>dd/mm/yy</td> <td></td> <td>_____</td> </tr> <tr> <td>dd/mm/yy</td> <td></td> <td>_____</td> </tr> <tr> <td>dd/mm/yy</td> <td></td> <td>_____</td> </tr> <tr> <td>dd/mm/yy</td> <td></td> <td>_____</td> </tr> <tr> <td>dd/mm/yy</td> <td></td> <td>_____</td> </tr> <tr> <td>dd/mm/yy</td> <td></td> <td>_____</td> </tr> </table> | | Scheduled trial date/s | and | activity plan | | | (use the number by each approved evidence) | dd/mm/yy | | _____ | dd/mm/yy | | _____ | dd/mm/yy | | _____ | dd/mm/yy | | _____ | dd/mm/yy | | _____ | dd/mm/yy | | _____ | dd/mm/yy | | _____ | dd/mm/yy | | _____ |
| Scheduled trial date/s | and | activity plan | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | (use the number by each approved evidence) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| dd/mm/yy | | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| dd/mm/yy | | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

APPENDIX 6

Civil Case Information Statement

